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TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

United Nations Voluntary Fund for Victims of Torture

Report of the Secretary-General

1. The United Nations Voluntary Fund for Victims of Torture was established pursuant to General Assembly resolution 36/151 of 16 December 1981 for the purpose of receiving voluntary contributions for distribution, through established channels of humanitarian assistance, as humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of torture and to relatives of such victims. In accordance with that resolution, priority is to be given to aid victims of violations by States in which the human rights situation has been the subject of resolutions or decisions adopted by either the General Assembly, the Economic and Social Council or the Commission on Human Rights.
2. The Voluntary Fund is administered in accordance with the Financial Regulations of the United Nations by the Secretary-General, with the advice of a Board of Trustees composed of a chairman and four members with wide experience in the field of human rights, acting in their personal capacity and appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Governments. The membership of the Board of Trustees is as follows: Mr. Jaap Walkate (Chairman) (Netherlands); Ms. Elizabeth Odio Benito (Costa Rica); Mr. Waleed Sadi (Jordan); Mr. Ivan Tosevski (Yugoslavia); and Mr. Amos Wako (Kenya).
3. In resolution 36/151, the General Assembly also appealed to all Governments to respond favourably to requests for contributions to the Fund. By the same resolution, the Board of Trustees of the Fund is authorized to promote and solicit contributions and pledges and the Secretary-General is requested to give the Board of Trustees all the assistance it may require. The Secretary-General reports

annually to the General Assembly and to the Commission on Human Rights on the administration of the Fund. The previous reports of the Secretary-General to the General Assembly are contained in documents A/37/618, A/38/221, A/39/662, A/40/876, A/41/706, A/42/701, A/43/779 and A/44/708.

4. By its resolution 44/145, the General Assembly, taking note of the report of the Secretary-General (A/44/708), expressed its gratitude and appreciation to the Governments, organizations and individuals that had contributed to the Fund; called upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for initial as well as further contributions to the Fund; invited Governments, if possible, to make contributions on a regular basis, in order to enable the Fund to provide continuous support to projects that depend on recurrent grants; requested the Secretary-General to include, on an annual basis, the Fund among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities; expressed its appreciation to the Board of Trustees of the Fund for the work it has carried out and to the Secretary-General for the support given to the Board; and requested the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions.

5. Since it began operations, in 1983, pursuant to recommendations of the Board of Trustees, 198 grants, totalling \$US 5,375,794, have been authorized for 118 projects, from some 38 countries on four continents. These projects fall essentially into the following fields: psychotherapy, medical care, social rehabilitation and training of doctors, psychologists, physiotherapists, paramedical personnel, social workers for the specialized treatment of torture victims and their relatives, who also suffer psychologically, economically and socially.

6. Since the report of the Secretary-General to the General Assembly at its forty-fourth session, the following contributions to the Voluntary Fund have been received from Governments during the period from 16 October 1989 to 16 October 1990:

<u>Government</u>	<u>Contribution</u> (United States dollars)
Austria	5 000
Canada	25 032
Colombia	11 043
Finland	171 198
France	91 097
Germany (Federal Republic of)	112 549
Greece	6 245
Iceland	2 300
Japan	50 000
Luxembourg	2 917
Netherlands	40 522

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<u>Government</u>	<u>Contribution</u> (United States dollars)
New Zealand	17 685
Republic of Korea	5 000
Spain	36 730
United Kingdom of Great Britain and Northern Ireland	50 733

7. In addition, during that period, the Government of Italy pledged 40 million liras per year for the years 1989, 1990 and 1991, and the Government of the United States of America pledged \$US 100,000 for 1990, to be added to \$US 100,000 already pledged for 1989 and to \$US 90,000 pledged for 1988. Contributions have also been received from a number of individuals.

8. Having in mind the request made by the General Assembly to the Secretary-General, in its resolution 44/145, to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees in its efforts to make the Fund and its work better known and in its appeal for contributions, the Secretariat has prepared, produced and disseminated the information material described below.

9. In March 1990, the Centre for Human Rights has reprinted 5,000 copies of Fact Sheet No. 4, entitled "Methods of Combating Torture", which contains a chapter on the activities of the Fund. A new fact sheet is under preparation, on the United Nations voluntary funds in the field of human rights, which will also refer to the Fund for Victims of Torture.

10. A press release on the ninth session of the Board of Trustees (HR/2601) was published in French, on 9 July, and in English, on 16 July 1990, by the Information Service of the United Nations Office at Geneva. On 24 July 1990, a copy of this press release was sent for information to all Governments that had contributed to the Fund.

11. The Fund will be included among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities.

12. The Secretary-General has received from the Chairman of the Board of Trustees additional information on the Board's activities, which is annexed to the present report.

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ANNEX

Information on the activities of the Board of Trustees of the
United Nations Voluntary Fund for Victims of Torture, provided
by the Chairman of the Board

1. The Board of Trustees wishes to express its deep concern that, in spite of the clear prohibition under international law of torture and other cruel, inhuman or degrading treatment or punishment, including corporal punishment, these are still widely practised under the jurisdiction of Member States. The Board, however, is proud that it is placed in a position to offer concrete help to the victims of such practices.
2. The Board of Trustees has held nine sessions: in March 1983, October 1983, August 1984, April 1985, February 1986, February 1987, February 1988, April 1989 and June 1990. At each session the Board has scrutinized a large number of projects submitted to it and has made recommendations to the Secretary-General for grants to choose projects that the Board considered worthy of financial support from the Fund. In many cases, the Board, before making any recommendations, requested further information or clarifications from the sponsors. The Board attaches the highest importance to careful and detailed reporting on the use made of each grant and, at each session, it reviews the reports submitted by the sponsors. It has insisted that such reports, containing a description of how the project was carried out and an accounting of the use made of the grant from the Fund, should be submitted before the Board could recommend any further grant to the same project.
3. At its ninth session held in Geneva from 11 to 15 June 1990 the Board considered 60 requests for assistance concerning continuing projects and 30 requests concerning new projects. The Board has recommended to the Secretary-General for approval 61 grants representing a total amount of \$US 1,766,300. The disbursement of 13 grants, representing an amount of \$US 300,000, already attributed in the past, remains conditional on the receipt of satisfactory reports and accountings. This brings the total of commitments to \$US 2,066,300.
4. During its sessions the Board has met with representatives of a number of sponsors of projects in order to receive information from them and to discuss the best way of using a grant from the Fund. At its ninth session, the Board heard 16 representatives of organizations sponsoring 20 of these projects. The Board has adopted a policy not to finance a large project in full, in order not to make these projects totally dependent on the United Nations Fund. At the same time, the Board encourages project leaders to seek support from other sources as well. This is done with a view to spreading the responsibilities for helping victims of torture.
5. The Board hopes to be able, during the coming years, to continue its activities at least on the same scale as in the past. This will only be possible if sufficient contributions are received each year from Governments and other sources. The Board therefore again wishes to express the hope that, in particular,

Governments will consider contributing to the Fund preferably by making annual contributions to the Fund, in order to show their solidarity with victims of torture, with those who offer medical and other help and with the purposes of the Fund. It must be recalled in this context that the United Nations Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted unanimously by the General Assembly in 1975.

6. As in the past, the focus of the Board's recommendations made at its ninth session is on supporting programmes providing direct medical, psychological, social or other assistance to torture victims and their family members. The Board has also made recommendations for support for training programmes for health professionals of several countries on the techniques of treatment of victims of torture as well as for meetings of health professionals, at which they learn from each other's experience. These projects are carried out in some 30 countries and benefit persons from many other countries.

7. The Board, in reviewing the projects under way, decided that it would be important for its members to have a first-hand understanding of how projects are carried out and how the Fund's resources are used. It, therefore, decided to recommend that members of the Board visit some of the most important projects to discuss the projects' needs with their sponsors.

8. With an increasing number of contributions and requests for assistance, the highest standards should be applied to procedures followed by the Board and the Secretariat. The Board, therefore, decided to start reviewing its own procedures and the guidelines for applicants for grants.

9. The Board expressed the wish to meet in April of each year for seven or eight working days, starting in April 1991. The reason for this suggested extension from five to seven or eight working days is that the number of applications and hearings of applicants has increased every year. The Board attaches great importance to hearing as many applicants of new projects as possible. The Board would also hope that sponsors of already subsidized projects could be heard, from time to time, on the work achieved.

10. As in the past, the Board of Trustees has found that, in some cases, very rapid action is needed to help torture victims. On the one hand, it may be necessary to make funds available to provide medical care in a person's home country. On the other hand, it may be necessary to provide funds to enable a person and his family to leave a country rapidly to go to a place where medical care is available. At its ninth session, the Board has therefore made special provisions for that purpose.

11. Concerning the programme support costs paid by the Fund to the United Nations, the Board wishes to point out that it was agreed in 1983 that, in view of the humanitarian nature of the Fund and the relatively modest services it requires, it would be kept at 5 per cent and not at the usual 13 per cent. The Board has expressed the wish that the programme support costs remain at the lower level.

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12. In order to provide the general public with information about the Fund, a leaflet entitled "How Can You Help Torture Victims?" has been produced with the assistance of the Department of Public Information of the Secretariat. More detailed information about the activities of the Fund is provided in an article published by the first Chairman of the Board of Trustees in his own name. The article is entitled "The United Nations Fund for Torture Victims: The first years of activity" and has been published in the Human Rights Quarterly, volume 8, No. 2, May 1986 and in a revised and updated version in the Review of the International Commission of Jurists, No. 37, December 1986.

13. Potential applicants for funds should refer to the chapter on the Fund contained in the United Nations publication "Methods of Combating Torture" (Fact Sheet No. 4). Further information on making contributions or submitting projects for support may be obtained by writing to the Secretary of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, Centre for Human Rights, United Nations Office at Geneva.



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TRAINING AND RESEARCH: UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 44/175 of 19 December 1989, the General Assembly took note of the report of the Secretary-General (A/44/611); reaffirmed the continuing validity and relevance of the United Nations Institute for Training and Research (UNITAR), as contained in its amended statute (A/43/697/Add.1); took note of the criteria and qualifications to apply to full-time senior fellows of the Institute and of the amendment to the statute of the Institute, regarding full-time senior fellows, fellows, consultants, correspondents and advisory bodies, contained in the annexes to the report of the Secretary-General; authorized the Institute to enter into appropriate arrangements with the Administrator of the United Nations Development Programme (UNDP) to execute projects funded by the Programme falling within the functions of the Institute, taking into account all relevant factors, including the comments of the Board of Auditors concerning the status of the Institute as an executing agency of UNDP; 1/ reiterated its request that the budgetary proposals of the Institute for 1990, as well as those for subsequent years, be submitted to the Advisory Committee on Administrative and Budgetary Questions for review and comment prior to approval by the Board of Trustees of the Institute; urged the Secretary-General to proceed rapidly with the sale of the headquarters building of the Institute, as approved in General Assembly resolutions 42/197 and 43/201; reiterated its approval of the recommendation of the Secretary-General that the Institute should, after the sale of the building, repay the amounts currently owed to the United Nations and use the balance to establish a reserve fund for the Institute; agreed with the Secretary-General that the purpose of the reserve fund to be established by the Institute was to provide greater stability, predictability and reliability in the financing of the Institute, and noted that the fund was not intended to be a substitute for voluntary contributions from Governments, either to the General Fund of the Institute or to the special projects; requested the Secretary-General to submit to the Board of Trustees of the Institute at its forthcoming session a complete report on his efforts to sell the land and headquarters building of the Institute; urged all States that had not yet contributed to the General Fund of the Institute to do so and called upon all contributing States to increase their contributions to the Institute, so as to enable it to continue to fulfil its mandate and to implement fully and successfully the provisions of the resolution and other relevant resolutions; appealed to all States to provide appropriate special-purpose grants to enable the Institute to implement the training and research programmes that cannot be financed from its General Fund, and called upon appropriate intergovernmental and non-governmental organizations to contribute to the Institute; emphasized the urgent need for broad-based financing for the Institute and invited the traditional donors, in implementation of resolutions 42/197 and 43/201 and the present resolution, to resume or continue, as appropriate, their voluntary contributions to the Institute.

2. In the same resolution, the General Assembly requested the Secretary-General to report to the Assembly at its forty-fifth session, through the Board of Trustees of the Institute, on the longer-term issues related to the financing of the Institute; and encouraged the Secretary-General to continue to explore new modalities for greater interfacing among United Nations research bodies, endorsed the proposals of the Secretary-General and requested the Director-General for

Development and International Economic Co-operation to organize a meeting of United Nations research institutes with a view to enhancing practical co-operation among them, particularly in regard to the formulation and implementation of their programmes and plans. The present report has been prepared in compliance with the request of the Assembly. The outcome of the meeting of United Nations research institutes, organized by the Director-General for Development and International Economic Co-operation, is summarized in annex I to the present report, since the subject-matter has little bearing on the substantive questions raised in the body of the report and thus warrants separate treatment.

II. RESTRUCTURING OF THE INSTITUTE

A. Programme activities

3. The draft work programme of the Institute for the 1990-1991 biennium was prepared on the basis of the criteria laid down by the General Assembly in paragraph 4 (1) and paragraph 4 (6) of its resolution 42/197 of 11 December 1987, which provide for a core programme of activities funded through the General Fund and an expanded programme of activities funded through extrabudgetary resources. As shall be recalled, the former focuses on training in international co-operation and multilateral diplomacy; the latter, on training for economic and social development and research on the United Nations, energy and natural resources and the future of the main developing regions of the world.

4. Due account was also taken of the comments and observations made by the Board of Trustees of the Institute at its twenty-seventh session in 1989, in which the Board had invited the Executive Director of the Institute to rationalize the entire UNITAR programme and, accordingly, to consider priority setting in the light of the financial resources available both under the General Fund and under Special Purpose Grants. The draft work programme of the Institute was elaborated by also taking into account the views solicited by the Executive Director from the organs and organizations of the United Nations system and the Governments of developing countries.

5. The draft work programme of the Institute for 1990-1991 was considered and approved by the Board of Trustees of the Institute at its twenty-eighth session, held in New York from 16 to 20 April 1990. It is worth noting that the cost of the programme approved for 1990 under the General Fund only represents one third of the 1990 programme resources of the Institute, two thirds of the programme being funded through special purpose grants. The Board also suggested that, in the future, the programme proposals of the Executive Director should be presented in such a manner as to allow for an easy identification of projects for which funding was already assured against those for which fund-raising efforts would be required. 2/

6. Further and fuller details on the approved work programme of the Institute and its implementation in the current year may be found in the biennial report of the Executive Director of UNITAR to the General Assembly. 3/ In this connection, it should be noted that, in keeping with the General Assembly's decision in its resolution 42/197, training has remained the main focus of the Institute's

programme of activities. In addition, as decided by the Assembly in the same resolution, the 1990-1991 UNITAR research programme is entirely funded through special purpose grants as was the case for the 1988-1989 biennium.

B. Full-time senior fellows

7. In order to implement adequately its training and research activities under both the General Fund and Special Purpose Grants, the Institute continues to resort to the services, free of charge, of full-time senior fellows appointed by the Secretary-General, as authorized by the General Assembly in its resolution 43/210, as well as to other categories of rotating staff. In this connection, in paragraph 4 of its resolution 44/175, the General Assembly took note of the criteria and qualifications to apply to full-time senior fellows of the Institute proposed by the Secretary-General in its 1989 report to the Assembly (see A/44/611, paras. 18-20). It was on the basis of those criteria that, after a careful review of the proposals of the Executive Director, the Secretary-General decided to appoint eight eminent persons as full-time senior fellows for 1989. In the light of the continuing importance of the role of full-time senior fellows in the implementation of the work programme of the Institute, the Secretary-General deemed it appropriate, in accordance with established procedures, to extend for another year the term of the full-time senior fellows appointed in 1989 and to appoint yet another senior fellow for 1990 who is stationed at Geneva.

C. Execution of UNITAR projects funded by the United Nations Development Programme

8. Still within the same context of the implementation of the Institute's work programme, it will be recalled that, in paragraph 6 of its resolution 44/175, the General Assembly authorized UNITAR to enter into appropriate arrangements with the Administrator of UNDP to execute projects funded by the Programme falling within the functions of the Institute, taking into account all relevant factors, including the comments of the Board of Auditors concerning the status of the Institute as an executing agency of UNDP. Through an exchange of letters between the Administrator of UNDP and the Executive Director of UNITAR concluded in January 1990, the latter committed UNITAR, when serving as executing agency of UNDP-funded projects, to adhere to UNDP standard basic executive agency agreements.

D. Proposed UNITAR training centre for international co-operation and socio-economic development

9. In the course of its consideration of the work programme of the Institute for 1990-1991, the Board of Trustees considered an offer made to UNITAR by the Mayor of the City of Atlanta and the Governor of the state of Georgia to establish in Atlanta a modern state-of-the-art UNITAR training centre for international co-operation and socio-economic development. At its September 1990 special session, the Board noted with appreciation the information provided by the Executive Director in his report, 4/ describing and assessing the offer made to

UNITAR and outlining the purpose, funding, modality of operation and programme, staffing and budget of the proposed centre. After a detailed review of those matters, the Board approved the proposed project, a UNITAR training centre for international co-operation and socio-economic development at Atlanta, it being understood that the centre would only become operational if the United States Government does not object to its location and that there would be no financial cost to the UNITAR budget for the creation and functioning of the centre.

10. In a communication dated 12 September 1990, the Government of the United States made it known to the Executive Director of UNITAR that, after a careful review in accordance with its obligations and responsibilities as the host country to the United Nations, it could not concur with the proposal to establish a training site in the city of Atlanta.

E. Sale of UNITAR headquarters building

11. In paragraphs 7 and 10 of its resolution 44/175, the General Assembly urged the Secretary-General to proceed rapidly with the sale of the headquarters building of the Institute and requested him to submit to the Board of Trustees of the Institute at its 1990 session a complete report on his efforts to sell the building and the land on which it is situated. In response to the request of the Assembly, the Secretary-General submitted two progress reports to the Board of Trustees at its twenty-eighth regular session and special session of September 1990, both held in New York, from 2 to 6 April 1990 and from 10 to 12 September 1990, respectively. 5/

12. As shall be recalled, immediately following the purchase by the United Nations of the land on which the UNITAR building is erected, the Committee on the UNITAR Headquarters Property, established by the Secretary-General to advise him on this matter, worked out a procedure for the sale of the entire property. The Committee first sought expressions of interest from permanent missions to the United Nations. While 11 missions expressed interest in acquiring the property, none submitted bids by the closing date of 30 January 1990. Efforts to sell the site in the open market also proved unsuccessful when none of the bids received a minimum level considered satisfactory. In view of the current unfavourable state of the real estate market in New York City, the marketable value of the property has been affected in such a manner as to call into question the original objectives of the transaction, namely: to enable UNITAR to eliminate its financial liabilities; to repay the sum of approximately \$4,500,000 advanced by the United Nations for the purchase of the land, plus interest, and to set up a reserve fund to sustain the Institute's future operations as called for in General Assembly resolution 42/197.

13. As no upward trend can now be anticipated in the real estate market, none of these objectives appears to be within reach. Accordingly, the Committee on the UNITAR Headquarters Property concluded that it had exhausted all available avenues and used its best efforts, within the framework of applicable United Nations procedures, to sell the UNITAR property at the highest obtainable price. Since these efforts have failed to produce a buyer, the matter was accordingly reported to the Advisory Committee on Administrative and Budgetary Questions. It is the

intention of the Secretary-General, in due course, to consult with the Advisory Committee on the appropriate disposition of the UNITAR property.

III. FINANCIAL QUESTIONS

A. 1990 budget

14. The Executive Director presented an expenditure budget for 1990, consistent with General Assembly resolution 42/197, amounting to \$1,335,550, together with a new budget for programme support costs of \$277,600. The resulting combined estimate for 1990 of \$1,613,150 compared with \$1,186,700 budgeted for 1989 - an increase of 36 per cent. Actual expenditures for 1989 had been \$1,279,500, compared with actual income for 1989 of \$1,175,500 - a shortfall of \$104,000.

15. The budget as submitted contained the following elements of income:

General Fund:

Government contributions	\$670 000
Rental income	160 000
Subsidy from project support	78 000
Publications and royalties	18 000
Interest from Reserve Fund	150 000
Advance from the United Nations	<u>250 000</u>
Subtotal	\$1 336 000
Project support income	<u>277 600</u>
	\$1 613 600

Details of the projected income, and related estimates of expenditures, including comparative amounts for the past two years, may be found in annex II to the present report.

16. The General Assembly, in its resolutions 43/201 and 44/175, had requested that the Advisory Committee consider the budget proposals of the Executive Director prior to approval by the Board of Trustees of the Institute. Difficulties of timing did not enable the Advisory Committee to review the proposals prior to the twenty-eighth regular session of the Board of Trustees in April 1990. Accordingly, the Board decided to give conditional approval to the budget proposals, on the understanding that they would be revised by the Executive Director in consultation with the United Nations Controller, to conform with the comments of the Advisory Committee. The Board further agreed that it would review the 1990 budget at its September 1990 special session in the light of the comments of the Advisory Committee, if these were of a substantive nature. In order to avoid the recurrence

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of the same situation in the future, the Board also decided to hold its future regular session in mid-May of each year.

17. The comments of the Advisory Committee, 6/ focus on the presentation and format of the Institute's budget proposals, the level of proposed estimated expenditures and the timing of the budget preparation. In this connection, the Committee recommended, inter alia, that the amount of \$150,000 as interest income from the reserve fund for 1990 should be deleted from income estimates, because the building had not yet been sold and the terms for investing the reserve fund resources, should the building be sold, were also not known. In addition, the Advisory Committee noted that UNITAR's proposed staffing established in 1990 was unchanged from that of 1989, except that it proposed to reclassify two P-5 posts to the D-1 level in the staffing nomenclature approved by the Assembly in the annex to its resolution 42/197. As established United Nations reclassification procedures had not been followed and in the light of current financial difficulties of the Institute, the Advisory Committee recommended that the proposed reclassification not be implemented.

18. The Executive Director explained to the Board of Trustees at its special session in September that the absence of interest income from the reserve fund for 1990 meant he saw no alternative that the United Nations should have to advance UNITAR \$400,000 instead of \$250,000 initially envisaged to balance the budget. The Board also felt that it was too late in the year to modify the budget substantively. The Board of Trustees, therefore, concentrated its review on the existing system of budget preparation and decided to discuss the matter further at its May 1991 session. The Advisory Committee pointed out that, in order for the Board to be able to consider fully the report of the Advisory Committee prior to the adoption of the Institute's budget, an anomaly would continue to exist in that the Institute's budget for a particular year would not be formally considered and approved until almost the mid-point of the year. The Board noted, however, that, subject to the availability of funds, it has authorized the Executive Director to incur expenditure not exceeding the corresponding expenditure of the previous year between the beginning of the budgetary year (1 January) and the time when the Board holds its regular session during which the budget is formally approved. Nevertheless, the matter will be examined again by the Board at its May 1991 regular session.

B. Budgetary performance in 1990

19. Budgetary performance in 1990 has again been disappointing, inasmuch as income has again not matched expectations, while expenditures have been incurred at or close to budgeted levels. As a result, the amount owed by UNITAR to the United Nations has continued to rise in 1990.

20. As regards income in 1990, government contributions received during the nine-month period ended 30 September amounted to \$320,394 against a budgetary estimate of \$670,000. While certain additional contributions are anticipated before the end of the year, it may be expected that there will be a shortfall of government contributions in the range of \$300,000 to \$350,000. Other income,

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including income from programme support, estimated at \$943,000, is now not expected to exceed \$393,000 - a shortfall of \$550,000, owing largely to the inability to sell the property and to benefit from the proceeds. Thus, actual income in 1990 may fall short of expectations by \$850,000 to \$900,000.

21. At the same time, UNITAR has been unable to effect savings in expenditures to offset the shortfalls in income. As at 30 September 1990, expenditures, including expenditures against programme support income, amounted to \$1,162,650, which implies that, by the end of the year, UNITAR expenditures will be at or close to the budgeted amount of \$1,613,150.

22. In addition to amounts included in the UNITAR budget, certain costs have continued to be temporarily carried outside the budget of UNITAR through a reserve account set up two years ago. It was felt indeed that such an arrangement was necessary, pending the sale of the UNITAR building, in order to reduce the financial burden of the Institute during the restructuring phase. It was intended that this account would be replenished in full as soon as the sale of the UNITAR property was completed. As at 30 June 1990, expenditures against this reserve account amounted to \$1,116,483, as follows:

Pension liabilities	\$272 928
Staff costs (staff affected by the restructuring)	\$690 932
Security	<u>\$152 623</u>
	\$1 116 483

23. As noted by the United Nations Board of Auditors in its report to the General Assembly on the accounts of UNITAR for the year 1989, four projects financed by special purpose grants which are no longer operational have incurred deficits totalling \$247,988. Those deficits are temporarily being financed by donors of other special purpose grants, pending a decision to be taken by the Board of Trustees as to their disposition.

24. A further financial problem, brought to the attention of the General Assembly by the Board of Auditors, concerns a charge made by the United Nations to UNITAR for rental of the premises occupied by UNITAR at Geneva. That charge was made in accordance with recommendation 36 in the report of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations, 7/ which was endorsed by the General Assembly in its resolution 41/213 of 19 December 1986, that Member States and other users occupying space in United Nations premises should pay rent based on current commercial rates. The United Nations has implemented that decision by charging UNITAR and reflecting rental income in its own budget. As at 30 September 1990, the outstanding amount due from UNITAR is \$112,591. At its twenty-seventh session, held in April 1989, the Board of Trustees endorsed the recommendation of its Finance Committee that the Secretary-General of the United Nations be requested to consider to continue exempting UNITAR from paying rent for its Geneva Office. When the Board was informed that the Secretary-General was not in a position to make an

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exception to the decision of the General Assembly, the Board felt that the matter should be raised in the Secretary-General's report on long-term issues related to the financing of the Institute. If the General Assembly does not make an exception for the Institute, the above-mentioned amount due from UNITAR will have to be added to the Institute's debt to the United Nations.

25. The combined effect of the shortfalls and deficits, projected to 31 December 1990, discloses that the debt of UNITAR to the United Nations, which stands at \$3.9 million as at 30 September, may be estimated at approximately \$4.2 million by the end of 1990. Most of this debt would have represented a first charge against the proceeds of the sale of the UNITAR property.

26. This debt is in addition to the amount of \$4,410,566 advanced by the United Nations in 1989, in connection with the purchase of the land on which the UNITAR building stands. It will be recalled that under the conditions of the loan set by the Advisory Committee, the funds advanced for this purpose are to be repaid with interest equivalent to the average rate of investment return that would otherwise have been earned by those funds. The related amount is projected to total \$4.9 million by 31 December 1990.

27. Thus, the total indebtedness of UNITAR to the United Nations is projected at \$9.1 million at 31 December 1990.

IV. LONGER-TERM ISSUES

28. The financial information presented in the previous section once again underlines, as a matter of utmost and grave urgency, the imperative need to place the funding of the Institute on a more predictable, assured and continuous basis. The sale of the UNITAR building was an essential component of the restructuring of the Institute mandated by the General Assembly three years ago. It was then expected that the streamlining of the Institute's programme, coupled with measures bringing about a more transparent administrative, budgetary and financial pattern of management, would restore a climate of political confidence conducive to the resumption of adequate levels of voluntary contributions to the General Fund. At the same time, the reserve fund which would have been set up out of the proceeds of the sale of the building would have enabled the Institute to continue its activities on a firm basis and provided it with a safety net to weather possible future vicissitudes.

29. The stringent restructuring of the Institute, which has taken a heavy toll on its staff and could not be further intensified without bringing the work of the Institute to a standstill have, nevertheless, not prevented UNITAR from slipping into repeated fiscal deficits and growing indebtedness vis-à-vis the United Nations. There is a minimum level of budgetary resources required to keep the Institute alive. While the purchase of the land on which the UNITAR building is erected took more time than expected, thus delaying the sale of the UNITAR property, voluntary contributions from Governments to the General Fund have continued to decline. Thus, in 1986, the year of the first restructuring, \$1,269,406 have been contributed to the UNITAR General Fund against \$708,203

pledged in 1989. For 1990, government contributions pledged until 31 October 1990 amounted to \$336,760.68, and \$327,909.13 were pledged for 1991 at the recently held United Nations Pledging Conference for Development Activities. Concurrently, the hope to cushion the Institute against future crises through a reserve fund can no longer be entertained, at least for the time being. In brief, the process of revitalizing the Institute on a long-term basis after years of financial tribulations appears to have reached a new impasse as a solution has yet to be found to the problem of devising ways and means to fund the Institute's core budget.

30. The outcome of these difficult years of transition is all the more disappointing as many other signs point to the enduring vitality of the Institute. The new programmes that were authorized by the Board of Trustees for the present biennium, as well as the continuing high proportion of projects funded from extrabudgetary resources, are indeed all important reminders of the significance and usefulness attached by many to the work of the Institute.

31. It is against this background of deepening General Fund financial constraints that the Board of Trustees of the Institute reviewed at its September special session the matter of the long-term issues related to the financing of the Institute in order to respond to the Secretary-General's request for suggestions on effective ways and means to find solutions to the problem. In this connection, the Board adopted a number of recommendations, which the Secretary-General is transmitting to the Assembly for its consideration and appropriate required action.

32. Considering the very few options at hand, the views of the Board could be summarized as follows:

(a) Regarding the sale of UNITAR headquarters property and the fulfilment of the above-mentioned objectives of that transaction, the Board recommended that, in view of the circumstances that prevented UNITAR from selling its headquarters property, the General Assembly should consider deferring payments related to the debt of UNITAR to the United Nations for about five years in the expectation that the real estate market in New York City will improve, or for a shorter period if the real estate market becomes more favourable earlier;

(b) The Board noted the need to balance the General Fund in view of the constant decrease of General Fund resources. For that purpose, the Institute should aim preferably at increasing its General Fund's income or at decreasing its General Fund's expenses or a combination of both measures. The General Fund's income could be increased in the following ways:

- (i) As government contributions are the main source of the General Fund's income and since the resources of that Fund are only used for the funding of training activities benefiting all Governments, as well as to satisfy some training needs of the United Nations Secretariat, the Board suggested that the UNITAR General Fund should be supported by the United Nations budget, it being understood that training activities that are not being funded through the General Fund would continue to be funded through voluntary contributions mobilized as special purpose grants from Governments, intergovernmental organizations, foundations and other non-governmental sources;

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- (ii) In its resolution 42/197, the General Assembly requested that UNITAR research on the United Nations should be funded either by the appropriate United Nations organ or by special purpose grants to be sought for its execution. The Board thus recommended that, in view of the difficulty of raising voluntary contributions for UNITAR research on the United Nations, research activity should also be funded by the United Nations, while other UNITAR research activities continue to be funded through voluntary contributions made available to the Institute as Special Purpose Grants;

(c) The Board noted also that the Institute was quite successful in raising funds for training and research benefiting developing countries in the field of economic and social development to which major donors' voluntary contributions are primarily directed. As a result, the UNITAR General Fund budget represents only one third of the Institute's total financial resources. The financial problem of UNITAR concerns mainly activities funded through the Institute's General Fund budget which, as mentioned above, benefit all Governments. If the Institute's resources for its General Fund were assured through the adoption of the above-made suggestions, there would no longer be a major problem for the long-term financing of the Institute.

V. CONCLUSIONS

33. Since the adoption by the General Assembly of its resolution 42/197, the action of the Secretary-General has focused on laying down the foundations for an enduring revitalization of the Institute. In spite of these efforts, however, there has been no solution to the financial difficulties that UNITAR has been facing. While the Assembly has repeatedly reaffirmed its support for the continuing relevance and importance of the mandate of the Institute, Member States have not provided sufficient funding in the form of voluntary contributions to the UNITAR General Fund. The minimum expenditures of UNITAR under the General Fund have repeatedly exceeded its income. The Institute's debt to the United Nations has continued to rise and has now reached a level that cannot be raised further without calling into question the ability of UNITAR to ever repay this debt.

34. Under the circumstances, there would appear only to be two possible solutions to the recurring financial difficulties of the Institute: a resumption, at significantly higher and predictable levels, of government voluntary contributions to the General Fund of the Institute, or significant allocations on a continuing basis from the United Nations regular budget to the General Fund. The Secretary-General is of the opinion that the first option is unlikely to materialize. The Secretary-General accordingly believes that the recommendations of the Board of Trustees deserve careful consideration as, in the final analysis, the recurring difficulties of the Institute are inextricably linked to declining levels of voluntary contributions to its General Fund and the long-term viability of the Institute depends upon the assured funding of its General Fund at an appropriate level. As regards the debt of UNITAR to the United Nations, the General Assembly could also consider endorsing the proposals of the Board of Trustees. If the General Assembly is not prepared to act upon the recommendations of the Board of Trustees, it may wish to decide what other course of action should be taken.

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Notes

1/ See Official Records of the General Assembly, Forty-fourth Session, Supplement No. 5D (A/44/5/Add.4), paras. 25 and 26.

2/ UNITAR/BT/R.79, para. 8.

3/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 14 (A/45/14).

4/ UNITAR/EX/R.155.

5/ UNITAR/EX/R.142 and UNITAR/EX/R.152.

6/ See UNITAR/EX/12.151, annex.

7/ Official Records of the General Assembly, Forty-first Session, Supplement No. 49 (A/41/49), para. 44.

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ANNEX I

Co-operation among autonomous research institutes of
the United Nations

1. In paragraph 15 of its resolution 44/175 of 19 December 1989, the General Assembly requested the Director-General for Development and International Economic Co-operation to organize a meeting of autonomous research institutes of the United Nations with a view to "enhancing practical co-operation among them, particularly in regard to the formulation and implementation of their programmes and plans".
2. In compliance with the request of the General Assembly, a meeting of autonomous research institutes of the United Nations was organized by the Director-General, which was held on 11 July 1990 at Geneva. In view of the importance of their substantive work, invitations were also extended to a number of research institutes in the United Nations system. In addition, entities of the United Nations Secretariat, including the regional commissions, were invited so that they could indicate how they could benefit from such enhanced co-operation and what contribution they could provide in order to facilitate greater interaction between research institutes and other entities of the United Nations in the area of research.
3. The meeting was thus attended by the United Nations University (UNU), the United Nations Institute for Training and Research (UNITAR), the United Nations Institute for Social Development (UNRISD), the United Nations Institute for Disarmament Research (UNIDIR), the United Nations Interregional Crime and Justice Research Institute (UNCICRI), the International Research and Training Institute for the Advancement of Women (INSTRAW), the Latin American and Caribbean Institute for Economic and Social Planning (ILPES), the African Institute for Economic Development and Planning (IDEP), the Research Administration Office (RAD) of the World Bank, the International Monetary Fund Institute and the International Institute for Labour Studies (IILS). The following entities of the United Nations Secretariat were also represented: Office of the Director-General for Development and International Economic Co-operation, Department for Disarmament Affairs, Department of International Economic and Social Affairs, Centre for Science and Technology for Development, United Nations Conference on Trade and Development, Economic Commission for Africa, World Food Council, Centre for Human Rights and Centre for Social Development and Humanitarian Affairs (United Nations Office at Vienna).
4. The meeting focused its discussions on ways and means to build upon the already existing network of functional relationships among research institutes so that they could move towards a flexible and more sustained system of interaction among themselves that could lead to mutually reinforcing initiatives within the framework of their respective mandates and enable them to make appropriate contributions to the work of United Nations intergovernmental bodies as well. More specifically, the meeting dealt with information exchange, areas for possible research co-operation and modalities for ongoing co-operation among United Nations autonomous research institutes.

5. All participants underlined the importance of information exchange among research institutes for the purpose of promoting their practical co-operation at the planning and implementation stages of their respective mandated programmes and activities. In this connection, it was agreed to systematize further informal and other ad hoc arrangements already in place through the designation of focal points within each institute. Acting as central clearing houses for its receipt and dissemination, such focal points would also ensure that the material and information thus shared would filter down to the working level in each research institute. The data exchanged would include prospective programme budgets and medium-term perspectives or plans as proposed before their final adoption, the sharing of research outputs such as completed reports and publications, rosters of experts and academic networks in given fields, bibliographical databases and methodological approaches used for particular research projects and the like. It was also agreed that the working paper prepared by the Secretariat, presenting in tabular form an overview of the current and planned activities of all research institutes, could also be usefully circulated at regular intervals in a revised and more forward-looking format placing particular emphasis on future activities. Such a paper would enable all participants to identify possible substantive areas lending themselves to strengthened co-operation among research institutes at the planning stage of their respective programmes.

6. With respect to areas for research co-operation, it was understood that due attention would have to be given to the autonomous status of each research institute and their differing mandates, as well as the fact that their governing bodies would ultimately have to approve their respective programmes. Within this framework, it was agreed that research institutes could collaborate to mutual advantage not only for the benefit of the research to be undertaken but also for enhancing their possible contribution towards the overall mandates of the United Nations. In general terms and to the extent possible, research institutes could organize their theme and problem-solving oriented research in such a manner as to add a dimension dealing with policy options that could assist the deliberations of United Nations intergovernmental bodies. Specific modalities for such co-operation that were discussed included the organization of seminars and round tables and cost-sharing research activities for interdisciplinary research projects of relevance to the agenda of the United Nations. Thus, it was felt that the crisis facing the developing countries from the beginning of the 1980s and the enormous political and economic changes that were reshaping the contemporary world, as well as the present technological revolutions, all constituted compelling reasons to rethink the concept of development. Research institutes could also contribute to the intellectual and scientific underpinnings for the substantive policy discussions to take place at forthcoming major meetings and conferences, such as the seventh session of UNCTAD, the 1992 United Nations Conference on Environment and Development, the 1993 world conference on human rights, the 1994 international meeting on population, the 1995 World Conference on Women, and the 1995 Congress on the Prevention of Crime and the Treatment of Offenders, as well as the high-level thematic meetings scheduled to take place in the Economic and Social Council as of next year on East-West relations (1991) and the eradication of poverty (1992). While research institutes could contribute individually to these forthcoming major events, they could also, whenever appropriate and feasible, act bilaterally or multilaterally through an effective utilization of their specialization.

7. As to the modalities for ongoing co-operation among them, the participants welcomed the proposal of the United Nations Centre for Science and Technology for Development (UNCSTD) and the United Nations University (UNU) to develop a register of research in progress or planned in the United Nations in the area of science and technology to begin with. They also shared the views expressed by the Secretary-General in his report to the Assembly at its forty-fourth session (A/44/611) to the effect that a phased broadening of this project to encompass research carried out or planned by the United Nations in the political, economic and social fields warranted careful consideration in the light of the potential benefits that might accrue to the entire system and the substantive co-operation that it would thereby stimulate among research institutes. It was, therefore, agreed that the launching of the register should entail a gradual widening of participating institutes in its preparation. Concerned entities would thus provide the necessary inputs through their focal points on a periodic basis so that UNU and UNCSTD could enter and regularly update the data in the register. This information would initially be made available to all research institutes and other interested parties in the Secretariat in machine readable form and, at a later stage, also in published form. The progressive development of the register, as outlined above, would take account of the work carried out by ACCIS and could also benefit from discussions taking place within the framework of the machinery of the Administrative Committee on Co-ordination. It was thus hoped that this gradual pattern of development of the register would enable UNU and UNCSTD to keep the project within manageable proportions and to ensure that it fully meets the needs of research institutes and other users, including the Secretariat.

8. Finally, all participants agreed that the meeting had been especially valuable and useful as an initial first step towards strengthening co-operation among research institutes. They, accordingly, endorsed the proposal to convene similar but subject and theme-oriented meetings at regular intervals. The Director-General for Development and International Economic Co-operation would act as convenor of the next meeting, tentatively scheduled to take place in July 1991 at Geneva and assisted in this task by the Rector of the United Nations University. Contributions by research institutes to forthcoming major United Nations meetings and conferences, publication and dissemination policies, research methodologies and consultations on preparations by the institutes of their future activities with a view to identify possible areas for co-operation were mentioned as possible agenda items of future meetings.

9. The Secretary-General welcomes the concrete and practical recommendations emerging from this first meeting of United Nations autonomous research institutes and hopes that their implementation will serve as a catalyst for a mutually beneficial and sustained interfacing among them. The Secretary-General further believes that the implementation of these measures, coupled with periodic regular issue-oriented meetings, will enable research institutes to make a fuller use of their substantive expertise and, by the same token, to maximize the utilization and impact of their limited financial and human resources. At a time when the United Nations must meet new challenges requiring a thorough reappraisal and reformulation of policies in development and security matters, the Secretary-General believes that, through their co-operation, research institutes within the framework of their mandates will thus be in a better position to provide fresh and new insights into major policy questions and issues of concern to United Nations intergovernmental bodies and the Secretariat.

ANNEX II

1990 projected income and expenditures, including comparative
amounts for 1988 and 1989

(Thousands of United States dollars)

(1) General Fund

	<u>1988</u>		<u>1989</u>		<u>1990</u>
	Estimates	Actual	Estimates	Actual	Estimates
I. <u>Income</u>					
Government contributions	625.0	693.3 a/	751.1	520.9 a/	670.0
Rental income	170.0	183.5	221.9	227.6	160.0 b/
Project support income	224.7	245.2	198.7	191.1	78.0 c/
Non-governmental contribution	35.0	-	-	-	-
Income from royalties and from sales of publications	15.0	2.1	15.0	15.6	18.0
Interest from reserve fund	-	-	-	-	150.0 d/
Advance from the United Nations	-	-	-	-	250.0 e/
Interest income	-	7.7	-	12.5	-
Miscellaneous	-	40.6	-	20.4	10.0
	<u>1 069.7</u>	<u>1 172.4</u>	<u>1 186.7</u>	<u>988.1</u>	<u>1 336.0</u>
II. <u>Expenditures</u>					
Office of the Executive Director	<u>166.1</u>	<u>187.6</u>	<u>173.7</u>	<u>177.8</u>	<u>189.5</u>
	<u>166.1</u>	<u>187.6</u>	<u>173.7</u>	<u>177.8</u>	<u>189.5</u>
Programme activities					
Training (Headquarters and Geneva)	410.3	414.9	457.0	463.0	500.1
Research f/	-	11.2	-	5.8	-
	<u>410.3</u>	<u>426.1</u>	<u>457.0</u>	<u>468.8</u>	<u>500.1</u>

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	1988		1989		1990
	Estimates	Actual	Estimates	Actual	Estimates
III. General operating costs					
Finance and administration	108.4	100.9	125.4	135.5	137.7
Security	-	0.3	- g/	-	23.0
Board of auditors	18.0	18.2	19.0	18.3	18.3
Supplies and materials, rental and maintenance of equipment	30.0	29.6	45.0	42.4	60.0
Library books, documents, etc.	2.0	2.0	2.0	3.4	3.0
Documentation/publications	-	6.3	8.0	4.9	20.0
Communications	53.3	58.3	65.0	89.1	80.0
Premises	260.0	360.4	270.0	298.3	275.0
Staff travel and fund-raising	21.6	11.4	21.6	15.4	22.0
Repayment of 1983 General Assembly advance	-	-	-	-	-
Payment of Pension Fund claims	-	-	-	-	-
Miscellaneous costs	-	71.5	-	25.6	3.0
Public relations and hospitality	-	0.9	-	-	4.0 h/
Subtotal III	493.3	659.8	556.0	632.9	646.0
Grand total (1)	1 069.7	1 273.5	1 186.7	1 279.5	1 335.6
Excess of expenditure over income	-	(101.1)	-	(291.4)	0.4

(Footnotes on following page)

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(Footnotes to table)

a/ Contributions paid in cash.

b/ Based on existing leases and on the assumption that these leases will remain in force until October 1990 (10 months).

c/ In addition to Programme Support under (2) below.

d/ Relates to above two months of interest on the UNITAR Reserve Fund to be established from the sale of the Institute's headquarters premises. The calculation is based on a fund capital of \$10 million invested in United States Treasury Bonds with 4 years' maturity at 10 per cent interest.

e/ This advance, to be repaid after the sale of the UNITAR headquarters premises, is needed to balance the budget, as delays in the acquisition of the land and the subsequent sale of the entire projects do not allow the Institute to realize in 1990 an interest higher than \$150,000 from the Reserve Fund.

f/ For the time being, research is not being funded through the General Fund.

g/ The 1989 cost of this item was charged to the Reserve Account set up by the Secretary-General to accommodate the proceeds from the sale of the UNITAR Headquarters premises.

h/ This relates to the celebration of the twenty-fifth anniversary of UNITAR.

(2) Programme support a/

Programme	1988 appropriation (United States dollars)	Proposed increase	1990 estimates
A. Board of Trustees	-	-	-
B. Office of the Executive Director	-	-	-
C. Programme operational costs:			
(a) Programme department/Training Branch - (New York)	-	39 800	39 800
(b) Programme department/European Office - (Geneva)	-	48 000	48 000
(c) Programme Department/Research Branch	-	-	-
D. General operational expenses:			
(a) External relations, inter- agency affairs, Board matters and programme co-ordination	-	-	-
(b) Finance, administration and programme support		91 800	91 800
(c) General operational costs		98 000	98 000
Total (2)		277 600	277 600 <u>b/</u>
(3) Special Purpose Grants			<u>2 440 740 c/</u>
TOTAL (1), (2) and (3):			<u>4 053 890</u>

a/ Until 1989, programme support resources were used in full to subsidize the General Fund of the Institute.

b/ As against anticipated programme support income (from ongoing projects totalling \$280,793).

c/ Relates to ongoing projects' projected expenditure for 1990.



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Forty-fifth year

THE SITUATION IN AFGHANISTAN AND ITS
IMPLICATIONS FOR INTERNATIONAL
PEACE AND SECURITY

Report of the Secretary-General

1. The present report is submitted in pursuance of General Assembly resolution 44/15, which was adopted without a vote on 1 November 1989. In that resolution, the General Assembly requested the Secretary-General to keep Member States and the Security Council informed of progress towards the implementation of the resolution and to submit to the Assembly at its forty-fifth session a report on the situation in Afghanistan, on the progress achieved in the implementation of the Agreements on the Settlement of the Situation Relating to Afghanistan, 1/ concluded at Geneva on 14 April 1988 (hereafter referred to as the Geneva Accords), and the political settlement relating to Afghanistan.

2. I have reported regularly to the General Assembly and the Security Council on the progress in the implementation of the Geneva Accords, as well as on the operation of the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP) (A/43/720-S/20230, A/44/661-S/20911 and S/20465).

3. After consulting the parties to the Geneva Accords - on whose behalf I had approached the Security Council in April 1988 (S/19834 and S/19835) in order to obtain its consent to deploy United Nations military personnel in the region - in a letter dated 9 January 1990 addressed to the President of the Security Council (S/21071), I sought the concurrence of the Council to extend the temporary detachment of military officers to Afghanistan and Pakistan beyond the 20 months envisaged in the Accords, which was coming to an end on 15 January 1990. In its resolution 647 (1990) of 11 January 1990, the Security Council, recalling its resolution 622 (1988) of 31 October 1988, confirmed its agreement to the measures envisaged in my letter and extended the temporary deployment of the military officers concerned to assist in the mission of good offices for a further period of two months - up to 15 March 1990.

4. In my letter dated 12 March 1990 (S/21188), I informed the President of the Security Council that my consultations with the signatories of the Geneva Accords had indicated that a further extension of the existing arrangements would not meet with the necessary consensus. Accordingly, the arrangements for UNGOMAP came to an end on 15 March 1990.

5. Up to 15 March 1990, UNGOMAP continued to discharge its mandate pursuant to the Geneva Accords, monitoring the implementation of all aspects of the Geneva Accords, and providing good offices to the parties to the Accords. UNGOMAP continued to receive numerous complaints, from each party against the other, of alleged violations of the first instrument of the Geneva Accords, namely, the Bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Principles of Mutual Relations, in Particular on Non-Interference and Non-Intervention. By the end of its mandate, UNGOMAP had received 1,168 notes verbale from Afghanistan, containing a total of 7,545 specific complaints alleging violations by Pakistan of the Geneva Accords. On its part, Pakistan had submitted 211 notes verbale containing a total of 1,317 specific complaints of alleged violations by Afghanistan. Most of the complaints lodged by the two parties fell into the categories already indicated in my reports to the General Assembly at its forty-third and forty-fourth sessions (see A/43/720-S/20230, para. 22, and A/44/661-S/20911, para. 5).

6. Despite the constraints and a number of difficulties encountered in the course of its operations from the outset, UNGOMAP spared no effort to investigate the complaints lodged by the two parties. By 15 March 1990, UNGOMAP had submitted to the two parties 102 reports on numerous inspections regarding the complaints, and the two parties had held 15 joint meetings under the auspices of UNGOMAP to consider the inspection reports, as provided for in the fourth instrument of the Geneva Accords, namely, Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan. The venue of the joint meetings alternated between the two UNGOMAP headquarters units in Islamabad and Kabul. Since the end of the arrangements for UNGOMAP on 15 March 1990, Afghanistan has continued submitting to the Office of the Secretary-General in Afghanistan and Pakistan (OSGAP) notes verbale containing complaints on alleged violations of the Geneva Accords by Pakistan, copies of which have been submitted by OSGAP to the Government of the Islamic Republic of Pakistan.

7. The number of military officers who served with UNGOMAP was 40. They were detached from existing United Nations operations, namely, the United Nations Truce Supervision Organization (UNTSO), the United Nations Disengagement Observer Force (UNDOF) and the United Nations Interim Force in Lebanon (UNIFIL). The military officers, equally distributed between the two UNGOMAP headquarters units in Islamabad and Kabul, comprised the following number from 10 nationalities: Austria, two; Ghana, six; Canada, three; Ireland, five; Denmark, four; Nepal, six; Finland, two; Poland, four; Fiji, five; and Sweden, three. There was virtually no change in the small civilian auxiliary staff deployed at the two headquarters units.

8. With regard to the implementation of the third instrument of the Geneva Accords, namely, the Bilateral Agreement between the Republic of Afghanistan and

the Islamic Republic of Pakistan on the Voluntary Return of Refugees, UNGOMAP co-operated closely with the Office of the United Nations High Commissioner for Refugees (UNHCR). The continued differences between the two parties to the Accords regarding the interpretation of article IV of the third instrument have prevented the establishment of the mixed commissions envisaged therein. Efforts to bring an understanding on that question have continued.

9. Despite the setback in establishing the formal mechanisms foreseen in the Geneva Accords, a number of measures have been taken during the current year to begin providing direct assistance to a significant number of refugees already returning voluntarily to Afghanistan. Through the dedicated efforts of the High Commissioner for Refugees, Mr. Thorvald Stoltenberg, the voluntary repatriation assistance programmes are being implemented in Pakistan and in Afghanistan by UNHCR, in close co-operation with the Office of the United Nations Co-ordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan (UNOCA) and the World Food Programme (WFP).

10. The Government of Pakistan, UNOCA, UNHCR and WFP agreed to launch a voluntary repatriation project on an experimental basis for a period of three months that started at the end of July 1990. This pilot project is being implemented in 10 different locations along Pakistan's border with Afghanistan and involves the provision of a repatriation grant in the form of cash for transport and food in exchange of the refugee family's ration passbook. By the end of September, close to 10,000 families, or about 50,000 refugees, had already benefited from the scheme. It has now been agreed to extend the project up to February/March 1991.

11. Throughout 1990, UNHCR has also been providing direct and individual support to an estimated number of 15,000 Afghan returnees passing through reception and transit centres established by the Government of Afghanistan in the cities of Herat, Mazar-i-Sharif and Kabul. Transport and food assistance is being provided jointly by UNHCR and WFP following interviews with the returnees. Progress is also being made by the United Nations agencies concerned in providing assistance to the internally displaced persons who are beginning to return to their villages of origin in increasing numbers. In a parallel effort to create conditions conducive to further voluntary repatriation, a temporary presence has been established by the United Nations in the provinces of Herat, Kandahar, Kunar and Paktika.

12. With regard to the United Nations humanitarian and economic assistance programmes relating to Afghanistan, I am pleased to report a significant expansion in the activities of the United Nations system during the year. Through the dedicated efforts of my Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes Relating to Afghanistan, aid commodities reached the needy Afghans in practically every province of the country in spite of logistic and other difficulties.

13. Currently there are over 400 United Nations projects and sub-projects inside Afghanistan, 121 of which have been completed, 246 are under implementation, while over 50 are in the pipeline. They cover aspects of economic and social life ranging from mine clearance activities to agriculture, health, education and

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restoration of physical infrastructure. While emergency assistance continues to be needed by vulnerable sections of the population, experience gained during the year by the United Nations agencies clearly demonstrates that reconstruction work can be undertaken in earnest in most parts of the country.

14. The problem of acute food shortages in some areas, as noted last year, is now in large measure under control. The efforts of the Co-ordinator to open new routes in order to reach, in a speedy and cost-effective manner, the needy people, particularly in the northern and western regions, have yielded encouraging results. With the collaboration of WFP, 55,000 MT of food have been delivered in the north, while sizeable stocks have been pre-positioned in the neighbouring southern areas. Simultaneously, increased activity by the Food and Agriculture Organization of the United Nations (FAO) to provide seeds and fertilizer has led to bumper crops. Provinces such as Kunar, Paktika and Kandahar, where the United Nations has been active, are now self-sufficient in food. The serious problem of locust and sun pest has also been addressed and it is expected that next year important quantities of grain can be rescued in the infested northern provinces.

15. Commendable efforts are also being made by the United Nations Development Programme (UNDP), as well as by the United Nations specialized agencies and programmes, notably the International Labour Organisation (ILO), FAO, the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the World Health Organization (WHO), in addition to the United Nations Children's Fund (UNICEF) and the United Nations Fund for Drug Abuse Control.

16. In addition to the United Nations offices in the Islamic Republic of Iran, Pakistan and the Union of Soviet Socialist Republics, the United Nations presence within Afghanistan has been considerably strengthened by the Co-ordinator. Besides Kabul, United Nations staff members are stationed in various provinces to facilitate the delivery of aid, to monitor its distribution and to initiate rehabilitation projects. These include at present the provinces of Badakhshan, Balkh, Bamyan, Herat, Kunar, Paktika, Kandahar and Takhar. Further expansion in which the United Nations Volunteers Programme is playing an increasingly useful role, is foreseen in the coming months. Even though the ongoing fighting and related security hazards for the United Nations staff continue to be a matter of serious concern, it is clear that the efforts in the humanitarian and economic fields can and must be sustained and strengthened.

17. In financial terms, the response to the appeal I launched in October 1988 now stands at \$US 1,029 million. However, the imbalance between contributions in cash and in kind, as well as the high proportion of contributions earmarked for specific purposes, as noted last year, continued to affect operational flexibility.

18. In paragraph 10 of its resolution 44/15, the General Assembly requested the Secretary-General to encourage and facilitate the early realization of a comprehensive political settlement in Afghanistan in accordance with the provisions of the Geneva Accords and of resolution 44/15.

19. In my report to the General Assembly at its forty-fourth session (A/44/661-S/20911, paras. 23-32), I provided an account of my efforts towards the realization of a comprehensive political settlement in Afghanistan, pursuant to my mandate under General Assembly resolution 43/20 of 3 November 1988.

20. In a letter dated 12 March 1990 to the President of the Security Council (S/21188), I informed the President of my intention to redeploy a limited number of military officers as military advisers to my Personal Representative in Afghanistan and Pakistan to assist in the further implementation of the responsibilities entrusted to me by General Assembly resolution 44/15 and, in particular, its operative paragraph 10. I also informed the President that the military officers would be detached temporarily from existing United Nations operations, with the concurrence of their respective countries. In a letter dated 28 March 1990 from the President of the Security Council (S/21218), I was informed that my letter was brought to the attention of the members of the Council, who had no objection to the action I had proposed.

21. On 15 March 1990, I established the Office of the Secretary-General in Afghanistan and Pakistan (OSGAP) in order to further intensify my efforts for a comprehensive political settlement. I did so, bearing in mind the mandate given to me and the call for a larger United Nations role in the solution of this problem. OSGAP is headed by my Personal Representative in Afghanistan and Pakistan, Mr. Benon Sevan. It is organized into two small headquarters units - one in Islamabad, with a sub-office in Peshawar, and one in Kabul. The Military Advisory Unit of OSGAP, comprised of 10 military advisers, one each from Austria, Canada, Denmark, Finland, Fiji, Ghana, Ireland, Nepal, Poland and Sweden, provides the Personal Representative of the Secretary-General with the military advice required to assist him in the further implementation of the responsibilities entrusted to the Secretary-General. The Military Advisory Unit is responsible for the provision of military expertise, as required; the maintenance of a continued assessment of the security situation in Afghanistan; and elaboration and updating of plans for military support to a possible increased future United Nations involvement in Afghanistan. The military advisers are organized in two small units in Islamabad and Kabul, with some of the military advisers in Islamabad rotating between Islamabad and Peshawar. The organizational arrangements of OSGAP are essential in order to remain in constant touch with all segments of the Afghan society and to obtain the minimum knowledge of that complex political and military reality which is needed if my mandate is to be carried out.

22. The expenses of OSGAP are met from the regular budget of the United Nations. At the time of the establishment of OSGAP, I requested the Governments of the Republic of Afghanistan and the Government of the Islamic Republic of Pakistan to continue, similar to the undertaking they had made for UNGOMAP, to bear the local operating cost of OSGAP.

23. I am pleased to report that the support and co-operation from all concerned, particularly from the two host Governments, namely, the Government of the Republic of Afghanistan and the Government of the Islamic Republic of Pakistan, as well as from the two guarantors of the Geneva Accords, namely, the Government of the Union

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of Soviet Socialist Republics and the Government of the United States of America has continued after the lapse of the mandate of UNGOMAP. Each of the host Governments has provided the necessary assistance in ensuring the security and safety of OSGAP personnel. I should therefore like to express my appreciation to the Governments of the two host countries and all other Governments concerned whose support and co-operation are essential for OSGAP to perform its functions effectively. I also take this opportunity to express my sincere appreciation to the Governments that have been providing military advisers to serve with OSGAP. I should also like to thank the civilian staff and the military advisers of OSGAP for their outstanding performance under difficult conditions.

24. Pursuant to paragraph 10 of General Assembly resolution 44/15, I intensified my consultations with all segments of the Afghan people, the two parties and the two guarantors of the Geneva Accords, the Governments of the neighbouring and other countries. I also initiated a series of consultations through my Personal Representative in Afghanistan and Pakistan, who has travelled extensively during the past two years shuttling between the capitals concerned.

25. Since the adoption of General Assembly resolution 44/15, I have had several discussions with the Foreign Minister of Afghanistan, Mr. Abdul Wakil, and as recently as September 1990, with President Najibullah, in Paris. Mr. Sevan has maintained close contacts with the authorities in Kabul. Since November 1989, his meetings with the Foreign Minister of Afghanistan have continued almost on a monthly basis, and he has had several lengthy and substantive discussions with President Najibullah during the current year. My representatives also maintained close contacts with the leaders of opposition groups based in Peshawar and Tehran, as well as with other prominent Afghans currently residing outside the region. They have also been in close contact with leaders of opposition and other groups inside Afghanistan, including Afghan commanders.

26. I also had the opportunity to meet in April and September 1990 with the Foreign Minister of Pakistan, Sahabzada Yaqub Khan, and I was in touch through Mr. Sevan, with the President and the Prime Minister.

27. My discussions with the two guarantors of the Geneva Accords have been particularly intensive since the adoption of General Assembly resolution 44/15. In January 1990, I met in Moscow with the President of the USSR, Mr. Mikhail S. Gorbachev, with whom I had a thorough discussion on the Afghan question; I also discussed the question on several occasions with Mr. Eduard A. Shevardnadze, the Foreign Minister.

28. I also held discussions on this problem with the President of the United States, Mr. George Bush, in June 1990, as well as with Secretary of State, Mr. James A. Baker III.

29. In addition to my contacts with the guarantors and the regular contacts between Mr. Sevan and the Ambassadors of the guarantors in the area, a series of expert-level meetings have been conducted by my representatives with officials of the United States, in New York and in Washington, D.C., on a regular basis since

last November. Further, since last December, six similar meetings have been held with representatives of the USSR in Moscow, New York and Geneva.

30. I also had several opportunities to discuss the Afghan question with the Foreign Minister of the Islamic Republic of Iran, Dr. Ali Aqbar Velayati, as recently as September 1990. The Foreign Minister had previously received my representatives in April, June and August 1990 at Tehran.

31. The above account represents only the highlights of an intensive and continuous network of discussions that I and my representatives have been conducting with all concerned during the last 12 months for the purpose of encouraging and facilitating the creation of conditions for the early realization of a comprehensive political settlement in Afghanistan.

32. A number of specific proposals and suggestions have been put forward by the Government of the Republic of Afghanistan, the opposition leaders, prominent Afghans currently residing outside the region and the guarantors. The basic aim of all the proposals and suggestions has been to bring about the establishment of a government in Afghanistan, which would have the support of the majority of the Afghan people and thus bring an end to the fighting and suffering. Most of the proposals and suggestions recommend free and fair elections, bearing in mind the Afghan traditions as a means to achieve that objective. Most of them, however, have been put forward not as a result of a dialogue among the opposing parties, but rather as unilateral proposals.

33. I wish to reiterate what I stated in 1989, in my previous report on the work of the Organization. 2/ The problem relating to Afghanistan cannot be solved except by political means. For that, a consensus is needed both at the international and the national levels. As outlined in my current report on the work of the Organization, 3/ there has been progress in the direction of a consensus among the guarantors and the countries neighbouring Afghanistan. Such an international consensus is necessary, in my view, in order to encourage an Afghan national consensus and an Afghan political process, which in turn would enable the Afghan people to exercise, unhindered, their right to self-determination. In the course of the contacts and discussions I have mentioned above, the responses I have received so far from the Governments concerned clearly indicated a desire to achieve a settlement through political means.

34. I believe that the time has come to define the emerging international consensus in a more concrete manner in order to give the necessary impetus to the political settlement of the Afghan conflict. This consensus should comprise first and foremost the recognition of the right of the Afghan people to determine their own future, free from outside interference, as well as the necessity for a credible and impartial transition mechanism with appropriate powers and authority, as may be agreed, that would allow the Afghans to participate in a free and fair election process, taking into account Afghan traditions. This consensus should further indicate the need for a cessation of hostilities and a halt to the arms supply to all sides, as well as the necessity for the implementation of all other transitional arrangements. The plight of the Afghans has always been of great

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concern to me and it is my belief that the emerging international consensus would recognize the need for international economic assistance to the Afghan population which has suffered for far too long.

35. I should like to emphasize that an international consensus, far from encouraging a solution that would be imposed on the Afghan people, would in fact free the Afghan question from its external constraints and allow the Afghan people to exercise, unhindered, their right to self-determination. Even when such an international consensus is achieved, a long and difficult road still lies ahead for the Afghan people. It will then be up to the Afghan people to reach agreement on the transition period and the transition mechanism.

36. I appeal to all Afghan leaders and to the Afghan people as a whole, to place the interest of the Afghan nation above all others in order to achieve a comprehensive political settlement. I am confident that the Afghan people will rise to the challenge, as they have done throughout their history. I stand ready to assist them, in whatever way they deem appropriate.

Notes

1/ See Official Records of the Security Council, Forty-third Year, Supplement for April, May and June 1988, document S/19835, annex I.

2/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 1 (A/44/1).

3/ Ibid., Forty-fifth Session, Supplement No. 1 (A/45/1).



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EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN
RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT
TO SUCH INSTRUMENTS

Note by the Secretary-General

The Secretary-General transmits herewith to the General Assembly the report of the third meeting of persons chairing the human rights treaty bodies convened pursuant to General Assembly resolution 44/135 of 15 December 1989.

ANNEX

Report of the third meeting of persons chairing the human rights treaty bodies

I. INTRODUCTION

1. Since the adoption of resolution 37/44 on 3 December 1982, the General Assembly has continuously kept under review the problems relating to the reporting obligations of States parties to various human rights instruments. Those problems have also received careful attention during the various sessions of the treaty bodies, at some of the meetings of States parties, and at meetings of such other organs as the Economic and Social Council and the Commission on Human Rights.
2. Pursuant to General Assembly resolution 38/117 of 16 December 1983, the Secretary-General convened a first meeting of the persons chairing the bodies entrusted with the consideration of State party reports in August 1984. The report of that meeting was presented to the General Assembly at its thirty-ninth session (A/39/484, annex). A second meeting was convened by the Secretary-General in October 1988, pursuant to General Assembly resolution 42/105 of 7 December 1987, and the report of that meeting was presented to the General Assembly (A/44/98, annex).
3. In its resolution 44/135 of 15 December 1989, the General Assembly endorsed the recommendations of the meeting aimed at streamlining, rationalizing and otherwise improving reporting procedures and invited the persons chairing the human rights treaty bodies to maintain communication and dialogue with each other on common issues and problems. To that end, the Secretary-General was requested to convene a third meeting in 1990. In its resolution 1990/25 of 27 February 1990, the Commission on Human Rights invited the meeting to discuss the range of problems affecting the effective implementation of human rights treaties and further requested that the third meeting be convened in time to allow for the consideration of its conclusions and recommendations by the General Assembly at its forty-fifth session.
4. The third meeting of the persons chairing the human rights treaty bodies was convened by the Secretary-General pursuant to General Assembly resolution 44/135 and Commission on Human Rights resolution 1990/25.

II. ORGANIZATION OF THE MEETING

5. The meeting was held at the United Nations Office at Geneva from 1 to 5 October 1990 and involved the following participants: the Chairman and the Rapporteur of the Human Rights Committee (Mr. Rajsoomer Lallah and Mr. Fausto Pocar), the Rapporteur of the Committee on Economic, Social and Cultural Rights (Mr. Philip Alston), the Chairman of the Committee on the Elimination of Racial Discrimination (Mr. Agha Shahi), the Chairman of the Committee on the Elimination of Discrimination against Women (Ms. Elizabeth Evatt), a member of the

Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid (Ms. Lourdes Vallarino) 1/ and the Chairman of the Committee against Torture (Mr. Joseph Voyame).

6. Mrs. Christine A. Brautigam, United Nations Institute for Training and Research (UNITAR) Fellow, also participated in one of the meetings. Comments were also made, at the invitation of the meeting, by representatives of Amnesty International and the International Service for Human Rights.

7. The agenda for the meeting was as follows:

1. Opening of the meeting.
2. Election of the Chairman.
3. Adoption of the agenda.
4. Review of follow-up to the conclusions and recommendations adopted at the second meeting of Chairpersons.
5. Review of recent developments relating to the work of the treaty bodies.
6. Matters requiring special consideration:
 - (a) Study on the possible long-term approaches to enhancing the effective operation of existing and prospective treaty bodies (A/44/668);
 - (b) Draft reporting manual to assist States in fulfilling their reporting obligations;
 - (c) Identification of possible technical assistance projects by the treaty bodies;
 - (d) Report of the Secretary-General on logistical and human resources support (E/1990/50).
7. Other matters.
8. Conclusions and recommendations.

8. The following documentation was made available to participants:

- (a) Provisional agenda (HRI/MC/1990/L.1);

1/ Owing to unforeseen circumstances Ms. Lourdes Vallarino was unable to participate in the meeting.

(b) Report of the Secretary-General on progress achieved in improving the operation of the reporting system and review of proposed additional measures (HRI/MC/1990/L.2);

(c) Study on possible long-term approaches to enhancing the effective operation of existing and prospective treaty bodies (A/44/668);

(d) Draft reporting manual to assist States in fulfilling their reporting obligations;

(e) Report of the Secretary-General concerning the situation and developments regarding the logistical and human resources support for the activities of the Centre for Human Rights (E/1990/50);

(f) Background documents, including the note by the Secretary-General (A/44/98), to which was annexed the report of the second meeting; the report of the Secretary-General on the study on computerizing the work of the human rights treaty monitoring bodies (E/CN.4/1990/39); the report of the Secretary-General containing a list of articles showing the nature and extent of overlapping under six international human rights instruments (HRI/MC/1988/L.3); General Assembly resolutions 44/135 of 15 December 1989 and 43/115 of 8 December 1988; Economic and Social Council resolution 1990/47 of 25 May 1990; and Commission on Human Rights resolutions 1990/21 and 1990/25 of 27 February 1990.

9. The meeting was opened by the Under-Secretary-General for Human Rights. In his introductory statement the Under-Secretary-General drew attention to the Secretary-General's most recent report on the activities of the Organization and reviewed some of the issues and documentation that were before the meeting. He spoke in particular about the challenge of enhancing information flows both to and from the treaty bodies and suggested a number of initiatives which might be considered by the meeting. Reference was made to the difficult financial situation of the Organization and to the need for greater resources to be made available to the human rights sector. The Under-Secretary-General also reviewed the significance of recent developments in the world and observed that, while denouncing was a necessary condition for the recognition of human rights, it was not in itself sufficient in order to ensure the actual enjoyment of those rights.

10. Mr. Philip Alston was elected Chairman/Rapporteur of the meeting.

III. REVIEW OF RECENT DEVELOPMENTS RELATING TO THE WORK OF THE TREATY BODIES

11. Under this item, the various participants provided a brief oral review of some of the problems and factors that were of special concern to the respective treaty bodies. In particular, problems relating to the following areas were highlighted: (a) financing and logistical support, including the reduction of the number of sessions owing to the lack of resources, insufficient secretariat support and lack of adequate publicity for the work of the committees; (b) consideration of reports, including the adequacy of reports, the provision of technical assistance to States

parties and maximization of the use of time during sessions; (c) information, including the need to develop co-operation with specialized agencies, regional organs and non-governmental organizations; and (d) universalization of the applicability of the human rights treaties, including the need for more ratifications and greater consistency between the obligations imposed by the conventions.

12. The participants noted with special concern the persistence of the problem of overdue reports, which affected all of the treaty bodies and which now amounted to a total of 767 reports.

IV. MATTERS REQUIRING SPECIAL CONSIDERATION

A. Financial situation of human rights treaty bodies

13. Reference was made, in particular, to the financial crisis which had adversely affected the activities of the Committee on the Elimination of Racial Discrimination since 1986. It was recalled that the non-compliance of a significant number of States parties with their financial obligations under article 8, paragraph 6, of the Convention on the Elimination of All Forms of Racial Discrimination had resulted in the reduction or cancellation of several sessions of the Committee and consequently in a backlog of reports to be considered. It was pointed out that a similar situation might occur in respect of the Committee against Torture, whose activities were entirely dependent, under article 17, paragraph 7, and article 18, paragraph 5, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on the financial contributions of States parties. It was noted that States parties to that Convention, at their second meeting on 28 November 1989, had expressed concern that the accumulation of arrears in the payment of assessed contributions might ultimately have a paralysing effect on the monitoring of the Convention's implementation.

14. The meeting drew attention to remedial measures envisaged in several resolutions of the General Assembly and the Commission on Human Rights with regard to the financing of the Committee on the Elimination of Racial Discrimination and, in particular, to the measures envisaged by Commission on Human Rights resolution 1990/25. In paragraph 10 of that resolution, the Commission had recommended that a "contingency reserve fund" be established with the concurrence of concerned States parties to the Convention to make it possible to regularize the meeting schedule of the Committee on the Elimination of Racial Discrimination.

15. While endorsing the measure recommended in paragraph 10 of resolution 1990/25, the persons chairing the human rights treaty bodies were of the view that such a measure had to be considered as a temporary arrangement. They reiterated the conclusion reached at their second meeting, in October 1988, that the General Assembly was responsible for the proper functioning of the human rights treaty bodies established to monitor the implementation of instruments that had been adopted by the Assembly itself and once again recommended that the Assembly should ensure the financing of each of the committees from the United Nations regular

budget or make other appropriate financial arrangements that may be necessary to enable each of the committees to operate effectively on a permanent basis.

16. The persons chairing the human rights treaty bodies also stated that, notwithstanding the principle that States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment must fulfil their financial obligations, and that every effort had to be made by the United Nations to promote respect for those obligations, strong consideration should be given by the General Assembly to the possibility of amending those human rights instruments in order to guarantee the long-term viability of their monitoring mechanisms. In this connection, they expressed their support for the various proposals to deal with the actual or potential financial problems of certain treaty bodies contained in paragraphs 97 to 99 of the study on effective implementation of international instruments on human rights, including reporting obligations under these instruments (A/44/668).

B. Servicing and resources available to human rights treaty bodies

17. With regard to this issue, the persons chairing the human rights treaty bodies recalled that at their second meeting they had recommended that more adequate staffing resources should be provided immediately to service the Committee on the Elimination of Discrimination against Women and, as soon as the overall financial situation permitted, additional resources should be provided to the other committees to enable them to discharge all of their responsibilities. Reference was made, in that connection, to the report on the situation regarding the logistical and human resources support for the increasing activities of the Centre for Human Rights (E/1990/50), which, *inter alia*, provided explanations on the basic needs of the Centre to ensure adequate services to all human rights bodies with particular attention being given to the servicing of treaty bodies as emphasized by the Commission on Human Rights in its resolution 1990/25.

18. Considerable attention was devoted at the meeting to the present arrangements devoted to the servicing of the Committee on the Elimination of Discrimination against Women. The importance of ensuring that that Committee remain in close contact with the other treaty bodies and that it is fully informed in its work of the activities of the other principal human rights organs, such as the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, was clearly recognized. It was noted that those needs would become even more crucial in the future as the number of treaty bodies increased, as the possibilities for duplicative activities grew, and as the quest to promote normative consistency became even more challenging.

19. It was observed, however, that the present institutional arrangements, whereby the Committee alone was serviced from Vienna (by the Centre for Social Development and Humanitarian Affairs), while all of the other treaty bodies are serviced from Geneva (by the Centre for Human Rights), were not at all conducive to facilitating the type and level of interaction that was necessary. The difficulties caused by geographical separation were further exacerbated by the inadequate secretariat

resources available to Committee members at Vienna. While conference servicing needs had generally been satisfied and improvements made as to the Committee's New York sessions, no significant research, analytical or informational services were provided. Moreover, while the Secretariat provided help with its limited resources, the specialist expertise of the Vienna Centre did not extend to a close knowledge of the activities of all of the human rights organs and treaty bodies of the United Nations system. In addition, the benefits that the Committee had derived from proximity to the secretariat of the Commission on the Status of Women had been minimal as there were no formal links between these bodies. The fear was expressed that the present system could lead to the Committee becoming isolated from the United Nations human rights system as a whole.

20. For those reasons, the meeting agreed that strong and active consideration should be given to relocating the functions relating to the Convention on the Elimination of All Forms of Discrimination against Women to the United Nations Office at Geneva. It was observed that while this proposal might be seen as an attempt by the Geneva secretariat to expand its coverage (albeit minimally) at the expense of that in Vienna, such an interpretation would be entirely unwarranted. The dominant consideration in this regard had to be the best interests of the Committee itself and of the human rights treaty régime as a whole. It was suggested that the best way to proceed might be for the General Assembly to request that the Chairman of the Committee discuss the matter with the Committee at its next session and prepare without financial implications a brief evaluation of the advantages and disadvantages of the proposal, to be forwarded to the General Assembly in due course.

21. On the broader question of secretariat servicing for the treaty bodies, the meeting again drew attention to the fact that the work of the Centre for Human Rights had increased very greatly in recent years but that resources had failed to keep pace with the work-load and the increase in responsibilities. They generally agreed that it was necessary to increase the logistical and human resources of the Centre, especially to assist the treaty bodies in carrying out their mandates.

C. Cross-referencing in the reporting procedures

22. The persons chairing the human rights treaty bodies noted that the term "cross-referencing" would be understood to mean the incorporation in a report to a treaty body of material included in a report to another treaty body by annexure, quotation or reference. They agreed that the practice of making cross-references in the reports to be submitted by States parties to more than one international human rights instrument was necessary to alleviate the task of States parties, which frequently had to provide comprehensive information to each of the treaty bodies, as well as to avoid duplication in the information submitted. This practice was increasingly justified by the entry into force of new instruments and new reporting procedures, such as the Convention on the Rights of the Child, which contained matters already covered by other instruments. However, the meeting was of the view that a methodology had to be found to avoid depriving treaty bodies of the information they needed in the overall context of the implementation of a particular instrument, especially where interrelated rights and inconsistencies could be at issue.

23. Most participants felt that cross-referencing could not be systematic and its acceptability had to be left for determination by each treaty body on a case by case basis. It was recommended that, in the future, treaty bodies should share information with each other about their practices in the foregoing regard.

24. Furthermore, the view was expressed that a detailed technical analysis of the provisions of various human rights instruments would enable treaty bodies to identify not only the overlapping of provisions but also the differences in formulation and content between texts of certain international legal provisions. Cross-references to these provisions would also be useful to avoid competing interpretations with regard to their application.

25. In addition, it was suggested that similarities among provisions of different human rights instruments could be indicated in the reporting manual to assist States in fulfilling their reporting obligations and that specific proposals with respect to cross-referencing could be included in the general guidelines for the submission of reports by States parties. It was also noted that those issues could be addressed more fully in the context of seminars that should be organized for those persons in governmental service who materially prepared reports to be submitted to treaty bodies.

26. It was also suggested that each treaty body could appoint members who would establish liaison with each of the other treaty bodies and would be in regular contact with them with a view to solving specific problems, including those relating to cross-referencing. Those members could be invited to participate in meetings of the relevant treaty bodies and could brief the members of those bodies about important matters of mutual concern.

D. Normative consistency

27. The persons chairing the human rights treaty bodies noted that certain inconsistencies in the provisions of international instruments and, in particular, between provisions of international instruments and those of regional instruments might raise difficulties with regard to their implementation. Furthermore, they felt that a degree of consistency should be sought among the general comments that treaty bodies were preparing with regard to the interpretation and application of provisions of various human rights instruments. In this connection, they reiterated the view that increased contacts on a permanent basis among treaty bodies, and not only among chairmen of treaty bodies, would avoid inconsistencies and promote knowledge and harmonization of the work of each treaty body. They were of the view that for that purpose the appointment of a member of a treaty body who would establish liaison with the other treaty bodies on these and other matters, as mentioned above, was a very useful suggestion. It was also recalled that the secretariat had the important role of advising on inconsistencies or overlapping of legal provisions especially when new international human rights instruments were under elaboration.

E. Computerization

28. The meeting took note with interest of the study on computerizing the work of the human rights treaty monitoring bodies (E/CN.4/1990/39). The suggestion was made that regular contacts be established between the secretariat of the Committee on the Elimination of Discrimination against Women and the Centre for Human Rights in order to share information relating to the programme of computerization.

F. The development of new international human rights instruments and its implications

29. With regard to this issue, differing views were expressed as to whether preference should be given in the future to non-binding instruments over binding instruments. The opinion was expressed that possibilities of elaborating both binding and non-binding human rights instruments should be left open. Often, in the United Nations, a declaration on a particular human rights issue was followed by the elaboration of a convention on the same issue. It was agreed, however, that whenever possible the supervisory or monitoring functions established under new human rights treaties should be assigned to appropriate existing treaty bodies that were felt to possess the necessary competence. New instruments should be adopted, to the extent possible, in the form of protocols to existing instruments. Should such new responsibilities be contemplated, the relevant monitoring bodies should be consulted and appropriate arrangements, including for staff and financial support, be made. Equally, however, it was pointed out that if the subject-matter of a new instrument required particular expertise, a specific body of experts might need to be established to monitor that instrument.

G. New international human rights instruments and the desirability of taking into account existing provisions in drafting new instruments

30. As noted above, the meeting generally agreed that it would be preferable to elaborate new instruments in the form of protocols to existing instruments. However, if this was not possible, certain basic points should be taken into account in drafting the text of new instruments.

31. The persons chairing the human rights treaty bodies were of the view that new international human rights instruments should not specify the periodicity of reporting by States parties, but should simply indicate that the periodicity should not exceed five years. They also agreed that new instruments should not indicate the maximum duration of the sessions of their supervisory organs and that a thorough review of existing international provisions should be made before drafting new instruments. At every stage in the drafting process the possibility of overlap and the need for consistency in standards should be given close attention. Similarly, a comprehensive "technical review" should always be carried out before a new instrument is finally adopted. In addition, whenever new instruments were being drafted, every effort should be made to ensure that adequate travaux préparatoires were made.

32. The persons chairing the human rights treaty bodies also raised the question of difficulties in monitoring the implementation of international legal provisions which might be caused by the confidentiality of certain procedures established under other international instruments. They agreed that confidentiality should not preclude contacts among treaty bodies that would be essential to ensure the respect of the legal provisions concerned. Furthermore, they agreed that new human rights instruments should make provision for the financing of their monitoring mechanisms through the regular budget.

33. They also felt that a briefing for newly elected members of treaty bodies about the work of the treaty bodies, United Nations organs, specialized agencies, and other relevant matters would be useful. It was suggested that such a briefing would be in addition to that given informally by other members and should be arranged in an appropriate manner with the assistance of the secretariat.

H. Technical assistance

34. It was recalled that the General Assembly, in its resolution 44/135, had invited the treaty bodies to give priority attention to identifying, in the regular course of their work of reviewing State reports, possibilities for technical assistance projects. The Commission on Human Rights, in its resolution 1990/58, had also called upon the treaty bodies to take action in that sense.

35. The meeting agreed that assistance to States parties in preparing reports at the national level was a high priority area for the United Nations Advisory Services and Technical Assistance Programme. Seminars and training courses at the national level were considered as the only cost-effective means to tailor the relevant assistance programmes to local circumstances and needs. It was for each treaty body in the process of consideration of State party reports to identify such needs. Reference was made in this connection to an earlier suggestion by the Committee on the Elimination of Discrimination against Women that resources should be sought to set up specific country programmes to enable an expert to be sent at the request of a State party to provide assistance to that State party in the preparation of its national reports. Additionally, participants reiterated that each Government should once again be encouraged to consider establishing a unit that would prepare all of the reports submitted by that State party to the treaty bodies.

36. It was further agreed that advisory services and technical assistance should also be directed at involving those who had a direct bearing on the implementation of human rights policies, such as members of the judiciary and lawyers, in seminars or colloquia to discuss the relevance of international human rights standards to their work. It was further noted that it would be desirable for the Centre for Human Rights to obtain more specialist expertise in the training field and that training courses in the field of human rights for officials of some of the major United Nations development agencies (the United Nations Development Programme, World Bank, etc.) should be envisaged. It was noted that the International Labour Organisation already undertook such training programmes on a regular basis for its own staff.

37. The meeting expressed regret that no training courses or workshops devoted primarily to the preparation and submission of reports had been held during the past two years by the Centre for Human Rights.

I. Sources of information available to the treaty bodies

38. Participants noted with appreciation that several non-governmental organizations had systematically provided background information to individual members of treaty bodies whenever State reports were considered and had undertaken other activities directly related to the enhancement of public awareness of international human rights instruments. The material provided by non-governmental organizations was considered valuable and had, consequently, contributed to the effective fulfilment by the treaty bodies of their responsibilities regarding the consideration of State reports. In this regard particular mention was made of the valuable contribution made by the International Women's Rights Action Watch to the work of the Committee on the Elimination of Discrimination against Women. It was generally felt that each committee should decide in the light of its own circumstances the extent and the form of the co-operation with non-governmental organizations. Non-governmental organizations, in particular at the national level, were further encouraged to devote appropriate attention to the work of the treaty-bodies under the reporting system. It was also noted that the Centre for Human Rights had initiated consultations with the Department of Public Information concerning the distribution through United Nations information centres of State reports, press releases and summary records concerning the consideration of such reports, and views adopted on individual communications. Participants regretted, however, that those consultations had so far proved unproductive and that non-governmental organizations and the public at large had not yet benefited from a regular flow of information of that type. It was therefore once again emphasized that urgent efforts should be undertaken for such basic material to be disseminated as widely as possible through the United Nations information centres and by the secretariats of the relevant committees.

39. With regard to co-operation with specialized agencies, it was noted that on many occasions the various specialized agencies, particularly the International Labour Organisation, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization had provided useful assistance to the various treaty bodies. The Committee on Economic, Social and Cultural Rights, in particular, had established an extensive set of procedures whereby specialized agencies had been invited to take part in the consideration of State reports and in discussions on particular topics. It was agreed that extensive co-operation with specialized agencies should continue to be encouraged through various means.

40. With reference to the activities undertaken by treaty bodies, it was suggested that each committee might wish to request the secretariat to make available to it, in addition to the annual reports of the other treaty bodies, copies of reports of relevant States parties submitted under other instruments. Any relevant documentation of the General Assembly, the Security Council and other United Nations organs should also be made available to the treaty bodies when deemed pertinent to their activities.

41. Reference was also made to a recommendation by the second meeting relating to the establishment of a committee resource room in which documentation of the relevant committees could be kept along with copies of constitutions, basic reports and legislation and other relevant and useful information. It was generally felt that despite a shortage of available space within the Centre for Human Rights, major efforts should be undertaken towards providing such a room, which could contribute very significantly to the work of the individual committee members. It was noted that materials for inclusion in such a resource room would probably be donated by various groups and agencies and that use could be made of interns to undertake the initial organization of the materials.

42. It was pointed out that each treaty body should have access to all the sources of information it deemed necessary to fulfil its functions effectively. It was, however, agreed that the type of information needed and the way to handle it would have to be decided by each committee in the light of its own requirements and circumstances.

J. Public information

43. With regard to the issue of public information, it was noted that the activities of the various treaty bodies should be publicized as widely as possible so that the affected individuals were made aware of their rights under the international human rights instruments and could take an appropriate role in the process of the preparation of State reports. It was underlined that the holding of press conferences at the end of committee sessions and the issuing of press releases had not always led to significant coverage by the media of the activities of the treaty bodies. It was agreed that it would be helpful if the annual reports of committees could be synthesized from time to time and made available in more readable form for distribution to the general public. However, it was also generally agreed that to some extent public information on the activities of the committees, including views expressed in individual cases, should be specifically targeted to the potentially most interested groups, such as lawyers, judges and teachers. To that end, participants suggested the award of fellowships by the Centre for Human Rights specifically for the purpose of disseminating information regarding the activities of the treaty bodies.

44. Lastly, it was agreed that the most effective public information activities were those undertaken at the national and local levels and, in that connection, it was reiterated that United Nations information centres and non-governmental organizations should be more actively involved in alerting the public to the activities of the treaty bodies.

K. Long-term rationalization of the existing
system of treaty bodies

45. With regard to the long-term rationalization of the existing system of treaty bodies, the meeting agreed that the relevant issues could profitably be raised in the overall context of the preparation of the proposed world conference on human rights. For that purpose consideration could be given to the appointment of an expert to prepare a study.

V. OTHER MATTERS

46. The participants took note with satisfaction of the revised text of the consolidated guidelines for the initial part of State party reports as approved by the various treaty bodies (appended to this report) and agreed that the guidelines should be disseminated to the States parties as soon as possible.

47. The participants reviewed the draft reporting manual that had been prepared by UNITAR in co-operation with the Centre for Human Rights. They considered that the manual would be extremely useful to the States parties in the preparation of their reports as well as in orienting newly elected members of the treaty bodies. They noted that the views expressed in the different contributions contained in the manual were those of their authors and did not necessarily represent those of the relevant committees or of any United Nations body. The participants agreed that the manual should be published in its present form as soon as possible and disseminated to States parties as widely as possible. They also expressed their warm appreciation of the work of the UNITAR Fellow in bringing the preparation of the manual to a successful conclusion.

48. The participants expressed strong support for the proposal addressed in General Assembly resolution 44/156 to convene a world conference on human rights. They stressed the importance of making thorough preparations for such a conference and urged that the treaty bodies should be associated with the conference and should be closely consulted, through their chairmen and where possible directly, in the course of its preparation.

VI. CONCLUSIONS AND RECOMMENDATIONS

49. The following conclusions and recommendations are respectfully submitted to the General Assembly for its consideration in accordance with its resolution 44/135. Some concern action that might be taken by the Assembly itself or by other appropriate organs of the United Nations, while others fall within the competence of the respective treaty bodies or of the States parties to the treaties. However, no distinction is drawn in this regard for the purposes of the present report, since the mandate of the meeting is to propose diverse means to improve the functioning of the treaty supervisory system.

50. In view of the very large number of overdue reports owed to the treaty bodies as a whole, the General Assembly should continue to emphasize the importance of adequate and timely reporting by all States parties to the various treaties.

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51. The treaty bodies themselves should continue to use all appropriate means to promote the submission of overdue reports. Where possible, efforts should be made to develop a dialogue with the representatives in New York, Geneva or Vienna of the States parties concerned with a view to emphasizing the importance of reporting and to exploring possible means of assisting them. In cases where a number of overdue reports are involved, the Under-Secretary-General for Human Rights should raise the matter in the course of his regular consultations with the representatives of States parties.

52. While noting with satisfaction the steadily growing number of States parties to the various instruments, the meeting stressed that there was no cause for complacency in that regard. The goal of achieving the universal applicability of the principal instruments remained far from being achieved. States which have not yet ratified those instruments should be urged to reconsider their position and to take appropriate measures to seek to remove any remaining obstacles to ratification or accession.

53. The financial situation of the treaty bodies warrants continuing attention by the General Assembly and the States parties. In particular, the meeting urged that action be taken by States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to establish a "contingency reserve fund" as proposed by the Commission on Human Rights in paragraph 10 of its resolution 1990/25. In any event, the General Assembly should as a matter of the highest priority take appropriate measures to ensure the financing of each of the committees from the United Nations regular budget or to make such other financial arrangements as may be necessary to enable each of the committees to operate effectively.

54. Consideration should also be given to amending the relevant provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to provide full funding for the relevant treaty bodies from the regular budget of the United Nations.

55. Adequate secretariat servicing should be provided to each of the treaty bodies to enable them to function effectively. At present, the combination of diminishing resources and rapidly expanding demands on the available resources had left most of the treaty bodies without the appropriate level of secretariat servicing. The Secretary-General and the General Assembly should do their utmost to ensure that more resources are provided specifically for this purpose.

56. As recommended in the report of the second meeting (A/44/98, annex, para. 89), States parties, in drafting their reports, may refer, annex or incorporate, whenever appropriate, information contained in reports submitted to other treaty bodies, rather than repeat the same information.

57. In general terms, the effective development of the human rights treaty system as a whole would be significantly enhanced by the promotion of greater interaction among the treaty bodies. Each of the committees should thus seek to keep well informed of developments within the others. For that purpose consideration should

be given to the appointment of several members, each of whom should be responsible for following as closely as possible the developments in one of the other treaty bodies and reporting thereon to his or her committee. Other innovative arrangements should also be explored, such as the holding of joint sessions of working groups of two or more committees to explore a specific issue. Advantage should also be taken of any opportunities to provide a briefing to one committee on relevant current developments by a member of another committee.

58. The General Assembly should take appropriate action to institutionalize the meeting of persons chairing the human rights treaty bodies and to ensure that it is held at least once every two years.

59. In preparing "general comments", "general recommendations" or "suggestions" on topics that are of potentially major relevance to the provisions of an instrument that is supervised by another body, the committee concerned should consider undertaking some appropriate form of consultation before the finalization of the text in question.

60. The process of establishing a computerized data base to improve the efficiency and effectiveness of the functioning of the treaty bodies should be accorded a high priority by the Secretary-General and every effort should be made to implement fully the recommendations of the relevant task force on this issue (see E/CN.4/1990/39). The Committee on the Elimination of Discrimination against Women and its secretariat should be kept fully informed of developments within the Centre for Human Rights in this regard.

61. As far as possible and appropriate, the supervision of new human rights treaty obligations should be entrusted to one or other of the existing treaty bodies. Similarly, careful consideration should always be given to the drafting of protocols to existing instruments in preference to entirely new treaties, whenever appropriate. When such protocols are under preparation the relevant treaty body should be consulted prior to their final adoption.

62. When new treaties are drafted, the periodicity of reporting should be left open provided that a report is required at least once every five years. Similarly, new treaties should not stipulate a maximum duration for the sessions of the relevant supervisory body. They should always provide for the financing of the supervisory mechanisms from the regular budget.

63. Whenever new human rights instruments are being drafted, adequate "travaux préparatoires" should be made and a thorough technical review be undertaken prior to the final adoption of the text.

64. Prior to the first session of any new treaty body, every effort should be made to provide a detailed technical background briefing to the members of the new committee. The briefing should deal with matters such as the relationship of the different treaty bodies to one another, the relationship of the treaty bodies to the other human rights organs, the nature of the work of any other United Nations bodies or agencies in so far as it is of direct relevance to the work of the new committee, and any other pertinent matters. Newly elected members of the existing treaty bodies should also be provided with such briefings if they so request.

65. The consolidated guidelines for the initial part of State party reports under the various treaties, as drawn up in consultation with all of the treaty bodies, should be added to the relevant guidelines as soon as possible.

66. The manual on reporting drawn up by UNITAR in co-operation with the Centre for Human Rights, approved by the meeting on the advice of the Editorial Board, should be published as soon as possible and be widely disseminated.

67. The proposed world conference on human rights could, if adequately prepared, make a major contribution to furthering the overall objectives of the United Nations in the human rights field. The work of the treaty bodies should be fully reflected in the agenda, the preparation of which should be done in consultation with those bodies as far as possible. A detailed evaluation of the work of each of the treaty bodies should be prepared by individual experts as part of the background documentation for the Conference.

68. To assist it in the fulfilment of its responsibilities, each of the treaty bodies should have access to all of the sources of information that it feels it needs in order to be effective. In this regard, information provided by non-governmental organizations can be of major importance. The treaty bodies should also take full advantage of the expertise and experience of the specialized agencies and other United Nations bodies whenever appropriate.

69. Particular importance should be attached to the dissemination at the national level of the report of the relevant State party and details of its examination by the committee, especially to those sectors which have direct responsibility for the implementation of human rights, such as the judiciary, the legal profession, appropriate ministries and national human rights bodies. For that reason, each United Nations information office should, on a routine basis, make available all reports submitted to the treaty bodies by the State in whose territory it is located, along with the summary records relating to the examination of the reports. The Secretary-General should be requested to report on the implementation of this recommendation in due course.

70. The secretariat of each of the treaty bodies should seek to enhance the means by which copies of the relevant documentation can be made available to non-governmental organizations, particularly those active at the national level.

71. As already requested by the General Assembly on several occasions, the relevant secretariats should ensure that each member of each of the treaty bodies receives the annual report of each of the other treaty bodies in a regular and timely fashion.

72. The Secretary-General should continue to publicize the activities of the treaty bodies as effectively as possible and should consider allocating a specific number of fellowships to be available especially to academics, journalists or others proposing to write on the work of any of the treaty bodies.

73. In the context of technical assistance and advisory services programmes organized by the United Nations, a series of seminars or workshops should be organized at the national level for the purpose of training those involved in the preparation of State party reports. Such workshops, if carefully tailored to the needs of the individual State, could reach many more people in each State than regional seminars and be far more cost-effective.

74. Regional and sub-regional seminars and training programmes should be directed particularly at those individuals, such as judges, lawyers and administrators who have an actual or potential substantive involvement in the implementation of the obligations assumed by their States. The Centre for Human Rights should seek to develop professional training expertise to assist in the management of such programmes.

75. Training programmes should also be arranged, on a regular basis, for the officials of United Nations bodies and agencies involved in technical co-operation programmes. The purpose of such programmes would be to familiarize the relevant officials with the standards contained in the principal human rights treaties and to develop a better understanding of the means by which those standards can be reflected in the day-to-day activities of the agencies.

APPENDIX

Consolidated guidelines for the initial part of the reports of States parties

Land and people

1. This section should contain information about the main ethnic and demographic characteristics of the country and its population, as well as such socio-economic and cultural indicators as per capita income, gross national product, rate of inflation, external debt, rate of unemployment, literacy rate and religion. It should also include information on the population by mother tongue, life expectancy, infant mortality, maternal mortality, fertility rate, percentage of population under 15 and over 65 years of age, percentage of population in rural areas and in urban areas and percentage of households headed by women. As far as possible, States should make efforts to provide all data disaggregated by sex.
2. This section should describe briefly the political history and framework, the type of government and the organization of the executive, legislative and judicial organs.

General legal framework within which human rights are protected

3. This section should contain information on:
 - (a) Which judicial, administrative or other competent authorities have jurisdiction affecting human rights;
 - (b) What remedies are available to an individual who claims that any of his rights have been violated; and what systems of compensation and rehabilitation exist for victims;
 - (c) Whether any of the rights referred to in the various human rights instruments are protected either in the constitution or by a separate bill of rights and, if so, what provisions are made in the constitution or bill of rights for derogations and in what circumstances;
 - (d) How human rights instruments are made part of the national legal system;
 - (e) Whether the provisions of the various human rights instruments can be invoked before, or directly enforced by, the courts, other tribunals or administrative authorities or whether they must be transformed into internal laws or administrative regulations in order to be enforced by the authorities concerned;
 - (f) Whether there exist any institutions or national machinery with responsibility for overseeing the implementation of human rights.

Information and publicity

4. This section should indicate whether any special efforts have been made to promote awareness among the public and the relevant authorities of the rights contained in the various human rights instruments. The topics to be addressed should include the manner and extent to which the texts of the various human rights instruments have been disseminated, whether such texts have been translated into the local language or languages, what government agencies have responsibility for preparing reports and whether they normally receive information or other inputs from external sources, and whether the contents of the reports are the subject of public debate.



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POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA
Concerted international action for elimination of apartheid
Report of the Secretary-General

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I. INTRODUCTION

1. The General Assembly has, since 1986, adopted annually a resolution on concerted action taken by States for the elimination of apartheid.
2. The latest is resolution 44/27 K of 22 November 1989, in which the Assembly encourages Governments to adopt concerted measures to bring about an end to apartheid through peaceful means.
3. The present report, which is the fifth on the subject, is presented by the Secretary-General, at the request of the General Assembly.
4. On 5 March 1990, the Secretary-General sent a note verbale to the Permanent Representatives of Member States and to the Permanent Observers, requesting them to provide information on legislative and other measures adopted by their Governments to implement resolution 44/27 K.
5. Particular references were made to paragraphs 7 to 10 of the resolution, which read as follows:

"7. Appeals to all States that have not yet done so, pending mandatory sanctions by the Security Council, to consider national legislative or other appropriate measures to exert pressure on the apartheid régime of South Africa, such as:

"(a) Cessation of further investment in and financial loans to South Africa;

"(b) An end to all promotion of and support for trade with South Africa;

"(c) Prohibition of the sale of krugerrand and all other coins minted in South Africa;

"(d) Cessation of all forms of military, police or intelligence co-operation with the authorities of South Africa, in particular the sale of computer equipment;

"(e) An end to nuclear collaboration with South Africa;

"(f) Cessation of export and sale of oil and petroleum products to South Africa;

"(g) Other measures within the economic and commercial fields;

"8. Recognizes the pressing need, existing and potential, of South Africa's neighbouring States for economic assistance, as a complement and not as an alternative to sanctions against South Africa, and appeals to all States, organizations and institutions:

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"(a) To increase assistance to the front-line States and the Southern African Development Co-ordination Conference in order to increase their economic strength and independence from South Africa;

"(b) To increase humanitarian, legal, educational and other such assistance and support to the victims of apartheid, to the liberation movements recognized by the Organization of African Unity and to all those struggling against apartheid and for a non-racial, democratic society in South Africa;

"9. Appeals to all Governments and organizations to take appropriate action for the cessation of all academic, cultural, scientific and sports relations that would support the apartheid régime of South Africa, as well as relations with individuals, institutions and other bodies endorsing or based on apartheid;

"10. Commends the States that have already adopted voluntary measures against the apartheid régime of South Africa in accordance with General Assembly resolution 43/50 K of 5 December 1988 and invites those which have not yet done so to follow their example."

6. Substantive replies were received from 18 States, among which 3 referred to the replies of last year.

7. The Secretary-General considers that the present report and those which preceded, provide comprehensive information on action taken by Governments to bring an end to apartheid through peaceful means, in response to the appeals made in resolution 44/27 K.

8. The General Assembly may, therefore, consider that, since the issuance of the first report on this subject in 1986 (A/41/506 and Add.1-3), it has received sufficient information on the implementation of its resolutions concerning concerted international action for the elimination of apartheid.

9. It may be noted that, while most of the replies received involve action taken by Governments with respect to measures to isolate the South African Government and induce it to bring about a peaceful and speedy end to apartheid, the resolutions on concerted action also call for increasing assistance to the black majority in South Africa. Member States may want to consider that such assistance should be expanded and expedited now, in view of the increasing prospects of a peaceful solution to the conflict in South Africa.

II. REPLIES RECEIVED FROM GOVERNMENTS

ANTIGUA AND BARBUDA

[Original: English]

1. In connection with General Assembly resolution 44/27 A to L, with specific attention paid to 44/27 K and its relevant paragraphs, the Government of Antigua and Barbuda lists below specific responses to the information sought with reference to paragraph 7. Antigua and Barbuda:

- (a) Has no investment in South Africa, nor does it supply financial loans to that country;
- (b) Has no promotion of or support for trade with South Africa;
- (c) Does not allow the sale of krugerrand or any other coins minted in South Africa;
- (d) Has absolutely no form of or police co-operation with South Africa;
- (e) Has never and will never have any nuclear collaboration with South Africa;
- (f) Does not export or sell oil to South Africa;
- (g) Has banned all trading activities with South Africa since 1962.

2. With reference to paragraph 8, Antigua and Barbuda:

- (a) Has rendered assistance to the Southern Africa Development Co-ordination Conference;
- (b) Has contributed to the Commonwealth Fund for educational and humanitarian assistance to the victimized people of South Africa.

3. With reference to paragraph 9, the Government of Antigua and Barbuda refrains from all sporting, cultural, academic and scientific relations with South Africa that would support the apartheid régime. Likewise it has no relations with any individuals, groups, institutions, or other bodies endorsing or based on apartheid.

4. With reference to paragraph 10, Antigua and Barbuda has in operation legislation covering all the requirements of 43/50 K of 5 December 1988. Antigua and Barbuda adheres to all requirements of the resolution as it is concerned with justice, equality and morality.

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AUSTRALIA

[Original: English]

The Permanent Mission of Australia submitted information provided by the Australian Government on legislative and other measures it has undertaken in connection with General Assembly resolution 44/27 K on concerted international action for the elimination of apartheid, as follows:

Sanctions

1. Australia has taken action on all measures agreed at the Commonwealth Heads of Government Meeting at Nassau in October 1985 and adopted by Heads of Government in the meeting in London in August 1986. These measures are set out in document A/44/533 (pp. 5-7, paras. 14-18).
2. Australia has played a leading role - including the provision of \$A 305,000 in 1990 - in the establishment of the independent London-based research centre to study the South African economy and the impact on it of international financial pressure.
3. With regard to paragraph 8 (a) of resolution 44/27 K concerning economic assistance to South Africa's neighbouring States, Australia announced on 2 July 1989 a three-year \$A 110 million extension to its 1987-1990 programme worth \$A 100 million (ends June 1990) of assistance to Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, the United Republic of Tanzania, Zambia and Zimbabwe.
4. With regard to paragraph 8 (b), Australia, through its Special Assistance Program for South Africans and Namibians (SAPSAN), has disbursed \$A 7.2 million since 1986/87 to persons disadvantaged by apartheid. On 17 May 1990, Australia announced that funding of up to \$A 15 million over the next three years will be channelled through SAPSAN to assist South Africans. The majority of the new funds will be earmarked for assistance to the African National Congress (ANC) for humanitarian and educational activities.

BELIZE

[Original: English]

1. The Government of Belize prohibits the importation of goods into Belize from South Africa in accordance to Statutory Instrument No. 87 of 1987.
2. The Government of Belize also prohibits the issuance of visas to South African nationals who apply to enter Belize. Furthermore, the Government of Belize discourages Belizean participation in sporting events with South African nationals.

CHAD

[Original: French]

1. With regard to the heinous system of apartheid, Chad has always taken a position which is in keeping with that of the international community.

A. Chad's principled position on apartheid

2. Chad forcefully condemns the segregationist and discriminatory policy established in South Africa. As a founding member of the Organization of African Unity (OAU), our country has actively participated in the adoption of all resolutions relating to the difficult and unacceptable situation in southern Africa. Likewise, at the United Nations, Chad has continually denounced apartheid and called for exemplary sanctions against South Africa.

3. However, our country is not satisfied merely to condemn the racist régime in Pretoria; it also advocates methods of combating this régime.

4. The Chadian Government believes that it is only when the black majority takes power in South Africa that peace can come to the region.

5. This position was strongly reaffirmed at the second congress of l'Union Nationale pour l'Indépendance et la Révolution by the President of the Republic, His Excellency Al-Haj Hissene Habré: "Chad unconditionally supports the struggle of the South African and Namibian peoples and the battle of the front-line countries against the South African racists".

6. The President of the Republic went farther in condemning the sluggishness and the lack of vigour shown by some countries in the struggle against apartheid:

"The whole world condemns this system, which is the utter negation of peoples' and human rights, but it survives and continues to cause suffering. The fact is that everyone fights apartheid, but not everyone fights it in such a way as to put an end to it, particularly those who have the means to do so. For our part, while recognizing the validity and importance of political pressures and economic sanctions, we remain convinced that what will hasten the end of apartheid, and thus the freedom of southern Africa, is the armed struggle of the freedom fighter in South Africa and Namibia".

7. This statement by the Head of State plainly indicates Chad's important role in the struggle against apartheid. Like other members of the international community, Chad has taken part in United Nations debates and supported the resolutions that have been submitted to the General Assembly on this question. Thus, it supported resolution 44/27 K of 22 November 1989, with which we are concerned below. In addition to fully endorsing all the measures recommended in that resolution, Chad remains convinced that the imposition of comprehensive and mandatory sanctions by the Security Council under Chapter VII of the Charter of the United Nations constitutes the most appropriate and effective means to bring about an end to apartheid and should not be delayed any longer.

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8. Moreover, our country also urges the Security Council to strengthen the mandatory arms embargo imposed by its resolution 418 (1977).

B. Chad's contribution to the struggle against apartheid

9. The views expressed by the Head of State on this odious phenomenon could not be clearer; Chad was, is and always will be in the forefront of the struggle against apartheid. In its tortured history, our country has undergone periods of humiliation, subjugation and domination, and it was through the courage of the Chadian people, and the unrivalled bravery of its military arm, the Chadian National Armed Forces, that Chad was freed.

10. While the Chadian people, through the clearheadedness of its leaders, succeeded in regaining its dignity, sovereignty and freedom, the same cannot be said of peoples in other regions of the world, especially in Africa. For our brothers in southern Africa, the battle must continue. Thus, in accordance with resolution AHG/Dec.2 (XXII) adopted at the twenty-second ordinary session of the Assembly of State and Government of OAU, held at Addis Ababa in July 1986, in which the Assembly recommends to Governments and schools that the first lesson of the 1986-1987 school year be devoted to apartheid, Chad proposes to organize at the national level the programme outlined by the General Secretariat of OAU:

Children's drawing competitions to condemn apartheid;

Film showings presenting the ugly face of apartheid;

The opening of the school year in each school with a class on the topic "apartheid is a crime against humanity";

The broadcasting of radio and television discussions in which young people, women, workers and trade unions can participate;

The publication of placards and posters.

11. The aim of this campaign is to instil in the minds of Chadian youth that their overriding mission is to eradicate apartheid so that a non-racial, democratic and egalitarian society can be established in South Africa.

12. Raising the awareness of the Chadian public in general, and the youth in particular, with regard to the struggle against apartheid is possible only within a suitable framework.

13. Accordingly, consideration is being given to the immediate establishment of a Chadian anti-apartheid committee.

DENMARK

[Original: English]

The far-reaching and restrictive anti-apartheid measures taken by the Danish Government has been set out in details in previous reports of the Secretary-General on the matter. Specific reference is made to document A/43/699, pages 8 to 10. The Danish sanctions against Namibia, adopted in 1985-1986 in connection with the sanctions against South Africa, have been lifted as of 21 February 1990.

FINLAND

[Original: English]

Regarding the implementation of General Assembly resolutions 44/27 D, E and K, the Government of Finland has implemented the measures enumerated in the above-mentioned resolution through various legislative and administrative acts. The Finnish measures, undertaken in co-ordination with the other Nordic countries within the framework of the Nordic Programme of Action against Apartheid, are described in more detail in the Secretary-General's report A/43/699 of 12 October 1988.

FRANCE

[Original: French]

France's policy of condemnation of apartheid has been reflected in the adoption, nationwide, of a variety of restrictive measures. These measures, which are described in the report of the Secretary-General (A/44/533), have not changed and all of them remain in effect.

IRAN (ISLAMIC REPUBLIC OF)

[Original: English]

1. The Islamic Republic of Iran, in keeping with its policies of principle against all manifestations of racism and apartheid and its attempt to put an end to the shameful and inhumane policies of apartheid, cut its diplomatic and economic ties with the Pretoria régime completely. It has also expanded diplomatic relations with African countries, which were targets of the aggression by the racist policies of apartheid.

2. To support the oppressed people of Africa, in particular the victim of apartheid, the Islamic Republic of Iran has had an active participation in international forums, including the World Conference on Sanctions against Racist South Africa (1986), the special session of the General Assembly on apartheid, the Special Committee against Apartheid, and has always been one of the co-sponsors of

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resolutions adopted by the General Assembly against the racist policies of South Africa. It has also strongly condemned the policies of the continuation of co-operation of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Zionist entity with South Africa. In this context, on the International Day for the Elimination of Racial Discrimination, through a declaration we, once more, reiterated our position.

3. In support of the resolution on oil embargo against South Africa, the Islamic Republic of Iran, in a close co-operation with the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa, has banned the sale of oil to that régime, and to this end, to further ensure the observance of this embargo by the oil-purchasers, requires the discharge certificate from the oil purchasing companies.

4. In observing the boycott of apartheid in sports, the Islamic Republic of Iran joined the International Convention against Apartheid in Sports in 1987; consequently, the Islamic Consultative Assembly ratified the International Convention, depositing the instrument with the Secretary-General of the United Nations on 12 January 1988.

5. The Islamic Republic of Iran has also supported the legitimate aspirations of the Namibian people in liberating themselves from the devious claws of the South African régime, before and after the independence of Namibia, by issuing decisive statements on different occasions, and supporting the resolutions on granting of independence to Namibia and denouncing the racist policies of the Pretoria régime. In this regard, it has made contributions to the Namibia Fund, the United Nations Fund for Decolonization, the United Nations Fund for South Africa, the Committee on the Elimination of Racial Discrimination, as well as financial assistance to Mozambique, Zimbabwe and other front-line States.

6. Being a member of the observer Mission of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Islamic Republic of Iran discharged effectively its responsibilities during the election in Namibia.

ISRAEL

[Original: English]

1. During the past year, the Israeli Government, in accordance with the Cabinet's Resolutions of March and September 1987, has confirmed its endeavours to curtail its relations with South Africa in all areas, as set out in document A/44/533 (pp. 21-22).

2. All necessary steps have been taken in order to prevent Israel from becoming a transit station of any kind for goods and services from and to South Africa, if that might involve circumventing sanctions imposed by a third party.

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3. Israel has continued to refrain from new undertakings between itself and South Africa in the realm of defence.

JAPAN

[Original: English]

The Government of Japan, steadfast in its opposition to the apartheid system of the Government of South Africa, pursues various policies and has taken a series of measures aimed at hastening the abolition of that system. They are summarized below.

(a) The Government of Japan does not maintain diplomatic relations with the Government of South Africa, but limits its relations to the consular level;

(b) The Government of Japan restricts investment and financing activities in South Africa;

(c) The Government of Japan limits sporting, cultural and educational exchanges;

(d) The Government of Japan prohibits the export of arms to South Africa;

(e) The Government of Japan does not import arms from South Africa;

(f) The Government of Japan prohibits the export of computers which might assist the activities of organizations that enforce apartheid, such as the police and armed forces;

(g) The Government of Japan asks all concerned to co-operate by not importing krugerrand and other South African gold coins;

(h) The Government of Japan prohibits the import of iron and steel;

(i) The Government of Japan has suspended the issuance of tourist visas to South African nationals, and requests the Japanese people to refrain voluntarily from touring South Africa;

(j) The Government of Japan has suspended air links with South Africa;

(k) The Government of Japan prohibits the use by its officials of international flights of South African Airways;

(l) The Government of Japan appeals to the business community to exercise restraint so as to reduce the level of bilateral trade with South Africa.

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MALI

[Original: French]

1. The Government of the Republic of Mali adopted Decree No. 89-443/PRM, prohibiting trade between Mali and certain countries, on 11 December 1989. Article 1 of the Decree stipulates:

"In accordance with article 22 of Decree No. 890194/PRM of 15 June 1989 regulating foreign trade, any import or export operation between the Republic of Mali and the Republic of South Africa is prohibited ...".

Article 2 stipulates:

"Contraventions of the provisions of this Decree shall be penalized in accordance with the regulations in force."

MAURITANIA

[Original: French]

1. The Islamic Republic of Mauritania has always adopted a clear and consistent position on South Africa and its policy and practices of apartheid.

2. Mauritania has never had any kind of relations with South Africa, and its diplomacy very early made action in favour of the imposition of comprehensive and mandatory sanctions on the apartheid régime one of its major preoccupations.

3. At its level, Mauritania has never had economic, commercial, financial, cultural, scientific, sports or any other kind of links with South Africa.

4. It has also always maintained solidarity with the fraternal front-line States and has always given its assistance to the liberation movements recognized by OAU.

5. Accordingly, Mauritania has ratified the principal international instruments relating to racial discrimination and apartheid and within the framework of the campaign, to sensitize African public opinion about the crime of apartheid, in 1988, Nouakchott hosted the second preparatory meeting on the issue of apartheid.

6. The Government of the Islamic Republic of Mauritania is convinced of the need to maintain and intensify the pressure exerted by the international community against the apartheid régime until that system is eliminated and a democratic and egalitarian régime is established in South Africa.

MEXICO

[Original: Spanish]

1. In keeping with the principles which have traditionally guided its foreign policy, the Mexican Government has advocated the imposition of comprehensive and mandatory sanctions against South Africa. At the same time, it has taken various measures to step up the pressure on the South African authorities to abandon their discriminatory policies.

2. Mexico maintains no diplomatic or consular relations nor any financial, trade or military ties with South Africa. It has also suspended all cultural, educational, technical, sports and other exchanges with South Africa. The Government of Mexico further gives its assurance that the two countries have no financial ties whatsoever through the Mexican banking system.

3. On 30 October 1987, Mexico ordered a ban on the import or export of goods originating in, coming from, or bound for South Africa, including goods which pass through third countries but originate in or are bound for South Africa.

4. Mexico has also complied with the oil embargo against South Africa. To that end, all contracts for the sale of crude oil, concluded by Petróleos Mexicanos (PEMEX), which is partially State-run, stipulate that Mexican crude oil shall be sold only to end-users, thereby precluding any attempt to resell Mexican crude oil. PEMEX also regularly informs its clients that they may not resell Mexican crude oil to South Africa or process it for that country, and that failure to comply with this obligation would result in termination of their contract.

5. The Government of Mexico ratified the International Convention against Apartheid in Sports and has been a member of the Commission against Apartheid in Sports since 2 March 1989. Through its National Sports Commission, the Government of Mexico sees to it that Mexican nationals do not participate in events held and organized in South Africa.

6. The Government of Mexico, through its various departments, ensures that the measures it has taken with respect to South Africa are properly observed by Mexican citizens.

NORWAY

[Original: English]

1. For many years, the Nordic countries have played a leading role as regards measures designed to increase pressure on South Africa to abolish the apartheid system. In 1978, the Nordic Foreign Ministers adopted the first Nordic Programme of Action against Apartheid. The Programme of Action was revised and further expanded in 1985 and 1988.

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2. At the national level, the sale, negotiation of the sale, etc., of Norwegian petroleum to South Africa was prohibited by law on 20 June 1986. A comprehensive act relating to an economic boycott of South Africa and Namibia to combat apartheid took effect on 20 July 1987. The boycott of Namibia was formally abolished on 30 March 1990.

3. The purpose of the Act is to contribute to the international pressure on South Africa to abolish apartheid. According to the Act, it is prohibited, inter alia:

- (a) To engage in commodity trade;
- (b) To transport crude oil by a Norwegian-owned ship or a ship that is registered in Norway or is under Norwegian management;
- (c) To carry passengers or goods by air;
- (d) To perform services;
- (e) To grant loans, credits or guarantees, or to enter into insurance contracts;
- (f) To make investments;
- (g) To transfer patent or production rights;
- (h) To organize or offer tours.

4. One of the primary purposes of the extensive measures instituted by the Norwegian Government has been to take part in a broader international boycott of South Africa to combat apartheid. The Norwegian Government is making an active effort, nationally, at the Nordic level, and internationally - not least through the United Nations - to help to abolish the apartheid system by peaceful means.

5. Norway also provides humanitarian assistance to liberation movements, refugees and other victims of apartheid. Norwegian assistance to victims of apartheid has increased considerably during the last years and, in 1989, reached approximately \$US 28 million.

6. The Norwegian Government considers that there is still a need to uphold international pressure against the South African authorities in order to contribute to the complete dismantling of the system of apartheid. For this reason Norway does not regard it opportune to lift Norwegian economic sanctions against South Africa.

7. Important and promising developments have taken place in South Africa over the past months. On 4 May 1990 the South African Government and ANC agreed on a common commitment towards the resolution of the climate of violence as well as a commitment to stability and a peaceful process of negotiations. The Norwegian Government welcomes this and other developments that have occurred since the election of F. W. de Klerk to the presidency.

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8. The latest developments in South Africa have warranted a review of the Nordic Programme of Action against Apartheid, which will be carried out by the Nordic Working Group on measures against South Africa. At their meeting held at Turku, Finland, on 6 and 7 March 1990, the Nordic Foreign Ministers adopted certain modifications in the joint guidelines concerning the administration of obligatory visas for South African citizens with the objective of widening possibilities for contacts that could contribute to further dialogue and democratization in South Africa.

9. At the third meeting between the Foreign Ministers of the front-line States and the Nordic countries, held at Oslo from 13 to 14 May 1990, the Ministers pledged their full support for the democratization process in South Africa through various measures, such as:

(a) Continued pressure on the South African Government, including existing economic sanctions, until irreversible and profound changes to eradicate apartheid had taken place;

(b) In this respect, also, firm support for the maintenance of an arms embargo against South Africa;

(c) Continued support to ANC and other organizations and groups working for a democratic, non-racial and united South Africa.

10. The Ministers also stated that the international community had a particular responsibility to promote dialogue between the South African Government and the anti-apartheid movement in South Africa with a view to achieving a successful outcome of the democratization process and to dismantling apartheid in South Africa. The Ministers stressed the urgent need for the South African Government to remove the obstacles standing in the way of negotiations aimed at dismantling apartheid in the framework of the Harare Declaration and the United Nations Declaration on Apartheid adopted by consensus at the United Nations special session in December 1989.

11. The Nordic countries and the front-line States agreed to continue their contacts with regard to the developments in South Africa and the consequences for the front-line States. They reconfirmed their support to alleviate the burden caused by the long-lasting destabilization and the hosting of refugees from South Africa. They reiterated the importance of the Nordic/SADCC initiative, which is as valid as ever.

QATAR

[Original: English]

The Permanent Mission of the State of Qatar to the United Nations referred to a note verbale dated 12 September 1989 addressed to the Chairman of the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa, the text of which included information on measures

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adopted by the Government of Qatar with regard to the South African régime's policy of apartheid. The following legislation on the question was also transmitted:

DECREE NO. 140 OF 1973, 1/ CONCERNING THE SEVERANCE OF
ALL ECONOMIC, COMMERCIAL AND CULTURAL RELATIONS WITH
SOUTH AFRICA, PORTUGAL AND RHODESIA

We, Khalifa bin Hamad Al Thani, Amir of the State of Qatar,

Having considered the revised Provisional Constitution, and in particular articles 23 and 34 thereof,

And Decree-Law No. 2 of 1967, concerning the economic boycott of Southern Rhodesia,

And Decree No. 130 of 1973, concerning the termination of exports of Qatar oil to South Africa and Portugal,

And the decisions of the Sixth Arab Summit Conference,

And the proposal of the Minister for Foreign Affairs,

And the draft decree submitted by the Council of Ministers,

Have decreed as follows:

Article 1

All relations - whether economic, commercial, cultural or otherwise - with South Africa, Portugal and Rhodesia shall be severed.

Article 2

All competent authorities shall, within their respective jurisdictions, apply this Decree, which shall come into force with effect from the date of its proclamation and shall be published in the Official Gazette.

Khalifa bin Hamad Al Thani
Amir of the State of Qatar

Proclaimed at Doha Palace on 5 Dhu'hijjah A.H. 1393, corresponding to
29 December A.D. 1973.

1/ Published in Official Gazette No. 2 of 1974 and cancelled by Decree-Law No. 8 of 1980, published below.

DECREE-LAW NO. 8 OF 1980, CONCERNING THE CANCELLATION OF MEASURES
FOR THE ECONOMIC BOYCOTT OF AND SEVERANCE OF ECONOMIC, COMMERCIAL
AND CULTURAL RELATIONS WITH SOUTH RHODESIA

We, Khalifa bin Hamad Al Thani, Amir of the State of Qatar,

Having considered the revised Provisional Constitution, and in particular articles 23, 27 and 34 thereof,

And Decree-Law No. 2 of 1967, concerning the economic boycott of Southern Rhodesia,

And Decree No. 140 of 1973, concerning the severance of all economic, commercial and cultural relations with South Africa, Portugal and Rhodesia,

And Decree No. 128 of 1975, excepting the Portuguese Republic from the provisions of Decrees No. 130 and No. 140 of 1973,

And the decisions adopted at the Lancaster House conference of leaders of Southern Rhodesia,

And Security Council resolution 460 (1979) of 21 December 1979, concerning the termination, in view of the dissolution of the State in question, of the previously approved sanctions against and boycott of Southern Rhodesia,

And the declaration of the independent Republic of Zimbabwe, and its recognition by the State of Qatar,

And the proposal by the Minister of State for Foreign Affairs,

And the draft Law submitted by the Council of Ministers,

Have confirmed the following Law:

Article 1

The provisions of Decree-Law No. 2 of 1967 and Decree No. 140 of 1973, with respect to boycott and embargo measures and the severance of relations with "Southern Rhodesia", shall be cancelled. The said measures shall remain in force with respect to South Africa.

Article 2

All competent authorities shall, within their respective jurisdictions, apply this Law, which shall come into force with effect from the date of its proclamation and shall be published in the Official Gazette.

Khalifa bin Hamad Al Thani
Amir of the State of Qatar

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Proclaimed at Doha Palace on 27 Sha'ban A.H. 1400, corresponding to
9 July A.D. 1980.

ORGANIZATION OF ARAB PETROLEUM-EXPORTING COUNTRIES

COUNCIL OF MINISTERS DECISION NO. 8/24

The Council of Ministers,

Bearing in mind the provisions of the Agreement establishing the Organization,

Having considered the note of the Republic of Iraq requesting the
incorporation of the provisions of the oil embargo against South Africa,

Has decided as follows:

1. The secretariat shall be instructed to submit a study which shall include survey of action taken by member countries in connection with the embargo against South Africa and details of the actual activity of companies dealing with that régime and operating in countries belonging to the Organization, as well as proposals and recommendations to consolidate the embargo against that State.
2. Member countries shall supply the secretariat with the information necessary for the completion of the aforementioned study.

For the United Arab Emirates
(Sgd.)

For the State of Bahrain
(Sgd.)

For the People's Democratic Republic
of Algeria
(Sgd.)

For the Kingdom of Saudi Arabia
(Sgd.)

For the Syrian Arab Republic
(Sgd.)

For the Republic of Iraq
(Sgd.)

For the State of Qatar
(Sgd.)

For the State of Kuwait
(Sgd.)

For the Socialist People's Libyan Arab
Jamahiriya
(Sgd.)

Algiers, 23 Rajab A.H. 1400, corresponding to 7 June A.D. 1980.

ORGANIZATION OF ARAB PETROLEUM EXPORTING COUNTRIES

COUNCIL OF MINISTERS

26th Meeting

COUNCIL OF MINISTERS DECISION NO. 5/26, CONCERNING CONSOLIDATION
OF THE ECONOMIC EMBARGO AGAINST THE SOUTH AFRICAN REGIME

The Council of Ministers,

Bearing in mind the provisions of the Agreement establishing the Organization,

Having considered Decision No. 8/24 of 7 June 1980,

And the note of the secretariat concerning consolidation of the oil embargo against the South Africa régime, and the study attached thereto,

And the note of the secretariat concerning consolidation of the ban on delivery of Arab oil to "Israel",

And Executive Bureau note No. K40/1981-8 of 5 May 1981,

Has decided as follows:

Article 1

To recommend that the Governments of member countries adopt the attached recommendations and be guided by them when selling oil to customers and transporting and unloading it in foreign ports, in order further to consolidate the ban on the diversion of Arab oil to South Africa;

Article 2

To instruct the secretariat to carry out an in-depth study with respect to the contents of its note concerning consolidation of the ban on delivery of Arab oil to "Israel", and to submit a detailed report on that subject to the Council at its next meeting;

Article 3

To recommend that member countries assist the secretariat by providing their support and the information necessary for it to carry out the task referred to in article 2 of this Decision.

Kuwait, 2 Rajab A.H. 1401, corresponding to 6 May A.D. 1981.

For the United Arab Emirates
(Sgd.)

For the State of Bahrain
(Sgd.)

For the People's Democratic Republic
of Algeria
(Sgd.)

For the Kingdom of Saudi Arabia
(Sgd.)

For the Syrian Arab Republic
(Sgd.)

For the Republic of Iraq
(Sgd.)

For the State of Qatar
(Sgd.)

For the State of Kuwait
(Sgd.)

For the Socialist People's Libyan Arab
Jamahiriya
(Sgd.)

SINGAPORE

[Original: English]

1. The Singapore Government is unequivocally against apartheid and the racist policies of the Pretoria régime. The position of the Singapore Government on the apartheid question is also reflected in its votes on the relevant General Assembly resolutions. In conformity with these resolutions and as a demonstration of solidarity with the African people, the Singapore Government, on 6 May 1965, passed legislation banning imports from South Africa known as "The Prohibition of Imports (South Africa) Order 1965" under the control of imports and exports ordinance. The Singapore Government firmly discourages contacts of any kind, including political, economic, military, cultural and sports, with South Africa.

2. In compliance with United Nations General Assembly resolutions calling for the complete cessation of the supply of petroleum and petroleum products to South Africa, and with the Commonwealth Accord on Southern Africa calling for an oil embargo against South Africa, the Singapore Government has banned the carriage of oil to South Africa by Singapore-flagged ships with effect from 15 September 1989. Singapore-registered ships violating this ban are liable to have their registrations cancelled. From 1 September 1989, shipping companies owned by the Singapore Government have also included "end-user" clauses and other conditions in their charter agreements to ensure compliance with the embargo.

3. An administrative ban on the export of oil and petroleum products to South Africa has also come into effect on 15 September 1989. With this ban, companies trading in petroleum and petroleum products in Singapore will not be permitted to export these products to South Africa.

4. The Singapore Government is ready to co-operate in any collective international efforts that would effectively prevent oil trade with South Africa and isolate the Pretoria régime.

SWEDEN

[Original: English]

1. The objective of Sweden's South Africa policy is to contribute to the elimination of apartheid by peaceful means and its replacement by a democratic, non-racial society with universal suffrage for all South Africans. Together with the other Nordic countries, Sweden has outlined the actions it is taking in this regard in the Nordic Programme of Action against Apartheid, which was first adopted in 1978 and subsequently revised and extended in 1985 and 1988.

2. Sweden has maintained a general trade boycott of South Africa since 1 July 1987. Sweden also applies a number of other economic measures, such as the prohibition of new investments in South Africa.

3. Apartheid is still entrenched in South Africa. However, a political process has been set in motion in which the so-called Groote Schuur Minute of 4 May 1990 represents a recent important step forward. It is the hope of the Swedish Government that all obstacles to substantive negotiations will be removed as soon as possible. Sweden does not intend to ease the pressure on South Africa until profound and irreversible change has taken place in that country.

4. More than half of Sweden's bilateral development assistance or the equivalent of 500 million United States dollars is destined to countries in southern Africa. Considerable support is extended to SADCC. Victims and opponents of apartheid receive sizeable humanitarian assistance. The Swedish Government intends to maintain and extend these aid programmes. In particular, Sweden plans to increase its assistance to the democratization process in South Africa.

UNITED REPUBLIC OF TANZANIA

[Original: English]

1. Tanzania effectively cut off all links with racist South Africa on the day it gained its independence in 1961.

2. It has continued to abide by all United Nations resolutions calling for sanctions, mandatory and voluntary, on South Africa.

3. Tanzania has rendered unflinching support to all opponents of apartheid and has campaigned unremittingly through various international forums not only for the maintenance of all existing sanctions, but also for the imposition of comprehensive mandatory sanctions under Chapter VII of the Charter of the United Nations in order to ensure a speedy end to apartheid.

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4. Resolution 44/27 E: No Tanzanian bank has any connection whatsoever with the banking system of racist South Africa. The question therefore of Tanzania passing credits to the private or public sector of that country does not arise.

5. Resolution 44/27 K: Tanzania has continued to apply mandatory sanctions against the Pretoria régime, and has put into place other measures aimed at bringing apartheid to an end. Tanzania has no investments in South Africa, no trade of any kind with that régime, including the sale of kruggerand, and no military co-operation whatsoever with the racist régime, and does not export goods or services to that country.

6. Resolution 44/27 D: Tanzania is a member of the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa. In that capacity, it has continued to play its part in the effort of ensuring that those who violate the ban on oil and oil products to South Africa are exposed.
